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THE REFORM BILL AS IT WAS AND AS IT IS.

MONDAY night saw the virtual close of the long discussions of the House of Commons on the Reform Bill. A few hours of very placid controversy sufficed to bring the House to the completion of its arduous task, and a Bill was settled the contents of which no member knew, and the effects of which no one would venture to estimate. All that can be said of it is, that it is totally unlike any measure ever proposed by any Minister or supported by any party, but that in its main design and general scope it is a very good Bill. It settles the difficult question of the franchise in boroughs and counties on as good a basis as any that was at once desirable and practicable. With household suffrage in boroughs, a 12*l*. rating franchise in counties, and a 10*l*. qualification for lodgers, every one will have a vote who can desire or use a vote properly, and several hundred thousands will have votes who can do neither. So far as enfranchisement goes, it is a large, sufficient, and equitable measure. The scheme of redistribution which it embodies is much too limited, and must necessarily be extended hereafter. But, so far as it goes, it is a good scheme, taking members from decaying, corrupt, insignificant boroughs, and transferring the seats to large, vigorous, and, we will hope, tolerably pure constituencies. The whole Bill, also, has the merit of being marked by an admirable simplicity. There are no safeguards, drawbacks, or limitations in it. None of the numerous devices suggested for protecting the rich, the feeble, or the well-educated find any place in it. There is no compound householder, or dual vote, or inequality between present and future voters, or cumulative vote, or permission of voting papers, to mar the sweeping effect of the general measure. No one can hereafter say that Reform has failed to produce all the good things prophesied of it because Reform was given by a delusory Bill, retracting in one clause what was conceded in another, and contrived in the interest of the class that sanctioned it. This is a very great gain. A Reform Bill that was a mere disappointment and sham would have been far worse than none at all. As it is, Reformers are put fairly on their trial, and if this Bill fails to do good, then the Reform movement was altogether a mistake, and ought to have been resisted with the firmness which a few men like General PHEL and Lord CRANBORNE have displayed. It is also a great merit of the Bill that it is not conceived in the interest of either political party. Some Liberals, who have a very curious notion of what Liberalism means, seem to think that any Reform Bill is bad under which any Conservative can carry any seat. But if all parties are to have a fair chance, they have got one now. No one of any experience pretends to know whether the Conservative party will gain or lose by the Bill, and this is enough to show that it is not a party measure. Even those Liberals who are least sanguine, and go about wringing their hands and complaining that Mr. DISRAELI has jockeyed them, acknowledge in the same breath that if the Conservative party is hereafter to retain power, it will do so only on the condition that it keeps on abandoning its principles one by one, and acting as the organ of its opponents. In other words, the country is to be governed on liberal principles, but it is uncertain what particular set of men will be in office; and political prophecy could not hold out a prospect which we should welcome more cheerfully.

The Reform Bill as it was is utterly gone and perished. The Reform Bill as it is is totally unlike it. The conception of the Conservative leaders was to have a wide extension of the suffrage, but to make this rash step safe by a set of ingenious contrivances. Their Reform Bill was given to the country as a gun is entrusted to a little boy, on condition that he only fires caps with it. The boy has insisted successfully on adding powder and shot, and the character of the weapon is entirely different. We have got a Reform Bill which we may expect to go off with a bang, and to

scatter small shot pretty widely. For this no man and no set of men is either responsible or entitled to our gratitude. The transformation of the Bill was not the work of any conscious design. The country blundered into a good Bill, the House blundered into it, and so did the Ministry. We have got what we wanted without knowing what it was that we did want. But great changes do not come about without some agents seeming to do something to co-operate with what is, on the whole, a blind instinctive movement. Mr. DISRAELI has done much, and Mr. GLADSTONE a good deal, to make the transformation of the Bill possible. By his remarkable command of temper, and his superiority over the colleagues who remained with him, and by his sublime contempt for his own party, Mr. DISRAELI has made that easy and short which, but for him, might have been difficult and long. Mr. GLADSTONE aided in the work by alienating his followers, losing his command over his party, and showing that he had no alternative plan worthy of consideration. But by far the greatest friend to the Bill was the great, mysterious, inscrutable Compound Householder. He came into the arena of discussion descending like the god of a Greek tragedy. No one knew what he was, or whence he came, or for what he was there. He was inscrutable, awful, and yet attractive. While he was present he drew all eyes and filled all hearts; and when he had been there long enough he melted into thin air. If we look back, we see that it was through the Compound Householder that the Ministry were obliged to alter their proposal, and the Opposition were obliged to fall in with the proposal as altered. No one at first thought anything of the Compound Householder. Then it began to be suspected that he was worth considering; then the country gentlemen began to love him, and to cleave to him, and to swear that he was the saviour of his country and the blessed minister of protection against Democracy. Next, he fell out of favour; the more he was discussed the less he was liked; he was voted first a bore, and then a perfect nuisance and pest to society; and at last he was summarily extinguished. He had played a most useful part, and was then put away. He had attracted the full share of discussion, debate, abuse, vituperation, and sarcasm which must arise at some point in the history of a great measure. He had given the country gentlemen time to get used to the notion that safeguards were nonsense; he had shown them that they must not trust to men like Mr. GATHORNE HARDY and Sir STAFFORD NORTHCOTE and Mr. DISRAELI's other ninepins, but must go as straight to democracy as their leader liked to take them. After he was gone there was no more real contest about the Bill, but the result might have been very different if the House had gone straight to the discussion whether household suffrage without safeguards should be adopted. Mr. DISRAELI got his party by the perambulator very safely, because he had time to take them gently round it; but without the Compound Householder he would have had to try whether they could not be made to pass it at once, and without preparation.

The only two points on which Mr. DISRAELI has succeeded in maintaining the ground taken in the Bill as at first brought in, are the preservation of every borough from complete annihilation, and the recognition of the claims of the counties. In this he was only following in the steps of the framers of the Bill of last year, for by that Bill every borough was kept alive after a fashion, and the counties were to gain very largely by redistribution. That the measure of redistribution proposed this year was not larger was probably due to the same consideration which affected the scheme of last year. A measure too wide would have raised too much opposition in the present Parliament, and the Government last year attempted to get over the difficulty by having recourse to grouping. Mr. DISRAELI had to choose between grouping boroughs or limiting his scheme, and he wisely preferred to limit his scheme. It is much better that a scheme of redistribution, good so far as it goes, should

be carried now, than that a larger measure should be carried which was tainted by the vicious system of grouping. In another Parliament it will be very easy to take twenty or thirty more seats away from the small boroughs, should it be thought desirable, and to give them in equitable proportions to large towns and to counties; but if grouping had once been introduced, it would have been very difficult to repair the mischief. That more seats have not been taken from the little boroughs is the one manifest blot in the present Reform Bill; but no blot can be more easily removed hereafter. The Bill will now go to the Lords, where we may no doubt expect an able and interesting debate on it. To alter any of its more important provisions would be out of the power, and, we may hope, beyond the wishes, of the Lords; but they may, with great advantage, endeavour to improve the wording of some of the clauses. It will be much to be regretted if the clauses are so carelessly worded as to lead to controversy and doubt hereafter. It may seem as if it were allotting a rather humble function to the Lords when it is desired that they should principally devote themselves to correcting, simplifying, and giving precision to the wording of a Bill. But this function, if a humble, is a very useful, one, and there are many peers with the requisite leisure and knowledge of legal phraseology to guide them in the task if they would undertake it. It is idle to think that the Lords will either reject or mutilate the measure. It has been said that an effort will be made to throw out the clause giving the franchise to lodgers, but nothing could be more unwise than such a course. The Conservative Peers will only make the endeavour if they conceive themselves to have the secret sympathy and concurrence of Lord DERBY, and the Ministry would be exposed to a burst of well-merited reproach if it sanctioned opposition to a provision for the adoption of which it had made itself responsible. That the measure will be distasteful to a large majority of the House of Lords is probable, for they have not been led gradually to it as the House of Commons has been; but they cannot fail to be aware that their opposition must either be futile, or must lead to much worse things than the passing of the present Bill. They may, under the circumstances, be reasonably content if they can aid in making the Bill more effective, and as free from ambiguities as possible.

FRANCE AND MEXICO.

THE hour of reckoning has come for the Government of France, and it has to listen to the story of its disastrous failure told by the mouth of one of its most persistent adversaries. There is scarcely any one sentence in M. THIERS's long speech which does not express with accuracy what has occurred in the different stages of the miserable history of the Mexican expedition. As M. THIERS states, this expedition was undertaken from very mixed motives. It was to be a glory to France, and also a gain. The Empire of France and of French ideas was to be advanced, and Frenchmen were to find in Mexico a brilliant harvest. The slender ground on which these hopes were based was pointed out from the very beginning. Spain and England retired from the expedition, which had been commenced by them in concert with France, on the express ground that it could not possibly answer. At home there were not wanting voices to raise a note of warning, and M. THIERS, more than any one, denounced the folly of the enterprise. He was answered that history would pronounce that the Emperor NAPOLEON was a man of genius, who had carried out to a successful ending an undertaking beset with great difficulties. The history of prophets is very unlike the history of historians. What history has to record is that an expedition, based on a thorough miscalculation of probabilities and an extreme ignorance of facts, has terminated in a most lamentable and tragical end. M. THIERS is quite right. A free nation could not have made so great a mistake, have persisted in it so obstinately, or have carried it out so recklessly. The Government speakers have nothing to say. There is no excuse to make. M. ROUHER tries to make the Chamber, and through the Chamber the nation, share the responsibility; but the best possible answer to the speech of M. ROUHER was that of another defender of the Government, M. GRANIER DE CASSAGNAC, who insisted that the expedition only failed because the general feeling in France was so strongly against it. Such an event cannot fail to produce an impression fruitful of great consequences. France has sunk forty millions sterling, has lost thousands of lives, and has to bear something of the reproach of having led MAXIMILIAN to his doom, simply because France had no will of her own, because her Chamber was a club of

nominees, and the advisers of her ruler were mere dummies. Frenchmen cannot fail to feel that a system under which such a state of things is possible must be a very bad system; and the unfortunate MAXIMILIAN, if he has succeeded in so little else, will in all probability be hereafter reckoned among those who have most largely contributed to the restoration of some sort of liberty in France.

Fortunately for the EMPEROR, those who oppose him always manage to spoil, if possible, their own case. It was difficult to say anything bad of the Mexican expedition which was not true, but M. JULES FAVRE succeeded in giving M. ROUHER an opportunity of diverting from the Government the stream of general indignation. He said that the blood of MAXIMILIAN was on the Government of France; and this is notoriously not true. If the French made a great mistake, and put themselves in an impossible position, so did the unfortunate Emperor of MEXICO. He took what was offered him, and if it was wrong to make the offer it was also wrong to accept it. When the French were driven out of Mexico by the United States they offered a secure retreat to the EMPEROR. He stayed because he thought he was in honour bound to stay, and it was not the fault of the French that he chose to take the desperate risk which he thought his honour imposed on him. It is far more true that the blood of the French citizens who have been massacred in Mexican cities by the triumphant Liberals lies on the French Government than that the blood of MAXIMILIAN does. If the Emperor NAPOLEON could realize the sufferings which his own subjects have gone through since his army was ordered by the Americans to leave Mexico, the full depth of his humiliation would be brought home to him. But for this last saddest event in the whole sad history he is in a very small degree responsible; and since the news was received in Europe he has behaved in a manner at once dignified and marked by right feeling. Disclaiming all direct responsibility, he yet owns that he took a part in placing MAXIMILIAN within reach of the death he has died, and this must always be to him a matter of painful regret. It may be doubted, however, whether the language of the French Government with regard to the future of Mexico is quite wise. It seems, as M. THIERS said, to be calling on others to avenge what it cannot avenge itself. The Americans are invoked in the most pointed way to take possession of Mexico. They are to do what the French could not do. This is not very dignified nor very prudent. If there is anything which will make the Americans resolve not to trouble themselves about Mexico, it will be these instigations on the part of European politicians, urging them to absorb Mexico as a matter of duty. They will not like to think that they are called on to fulfil an obligation, and they will set themselves steadily against appearing to yield to dictation. It is a great exaggeration to say that they are bound to avenge MAXIMILIAN. He took his own course, and he has fallen a victim to the short-sighted fury of his enemies. He put himself in the position of a Mexican heading a party of Mexicans, and he was shot just as SANTA ANNA has been shot. The history of SANTA ANNA's expedition is not yet known, and it has yet to be explained how an English officer thought himself entitled to interfere in Mexican affairs. But SANTA ANNA has died without any one expressing any pity for him. The reason why the two executions are viewed so differently is a very good reason. The EMPEROR had honestly tried to do Mexico all the good he could; he had behaved honourably; he was shot in cold blood; and his execution was entirely useless, as he would have been most delighted to retire from Mexico altogether if he thought the claims of honour were satisfied. SANTA ANNA was a veteran intriguer, a Mexican of the Mexicans, a man who had twenty times tried to get up a revolution, and he was shot at once by those who got him into their power. But the American nation is not more to blame for the death of the EMPEROR than for that of SANTA ANNA. Only one duty lies on the Americans. If Mexico relapses into a perfectly hopeless state of anarchy, it will then be incumbent on the Government of the United States to consider whether it will not be possible to interfere, and to place Mexican affairs on an endurable footing, and whether this can be effected at a cost not wholly disproportionate to the result.

An account has come to Europe of the last hours of the unfortunate EMPEROR, and if this melancholy record is a fiction, it is a very ingenious and plausible fiction, for it is entirely in keeping with probability. How so very minute an account came to be telegraphed from New Orleans to the *Figaro*, of all European journals, is exceedingly obscure. But with scarcely an exception the details are interesting, pathetic, and probable.

The only noticeable exception to this general vein of probability is the description of MEJIA as radiant with joy, because, being an Indian, he was allowed to die with his master. This conception of a Mexican general as a fond, faithful savage seems as if it were the offspring of the imagination of some one who thought that an Indian, if he was to be praised, must be praised for behaving like a sort of FRIDAY in *Robinson Crusoe*. The letter of the EMPEROR to his wife was, however, singularly well imagined if it was fictitious, and the writer must have known Mexico well to know that MAXIMILIAN had not followed the advice of the EMPRESS—a mistake for which he expresses his regret in this farewell address. He could not bear to think or have it said that he was guided by her, and, from a legitimate wish to preserve his independence, he often refused to listen to her when he might have got on much better if he had let her advise him. It will also seem probable, to those who know the past history of Mexico, that JUAREZ may not have personally desired the execution of the EMPEROR. He has never shown himself an exceptionally cruel man, and it is possible that he acted under a pressure which he felt unable to resist. On whom the chief blame for this barbarous, because unnecessary and unjustifiable, act is to fall remains to be settled, nor do we yet know how those who are responsible for the act will try to justify it; but we are gradually learning enough of the story of the siege of Queretaro to know that the EMPEROR had every right to ask to be treated as a prisoner of war. He was not defending a hopeless position. In one or two sallies he had obtained some slight advantages, and if he and his troops were hard pressed for food, the besieging force also was short of supplies, and was even, it is said, on the eve of breaking up, when the treachery of LOPEZ placed the prize within its grasp. The EMPEROR was therefore an enemy taken in fair fight, and his character deserved recognition at the hands of the Liberals. They had, indeed, often acknowledged that he had tried to do his best for Mexico, and when he was at Orizaba they might have taken or shot him day after day with great ease, as he was then unprotected; but they spared him, because they thought he was going with the French. It was probably because he at last called to his aid such notorious men as MIRAMON and MARQUEZ, and thus entered into the internecine struggles of Mexican parties, that he fell a victim to the anger and the policy of the Liberals, who are said to have resolved to rid themselves once for all of the leaders opposed to them, and then proclaim an amnesty for the rest of their adversaries. Perhaps, too, the successful party were in some measure guided by a wish to show their independence of the United States, and were inclined to take the life of the EMPEROR for the very reason that they had been asked to spare it. But whatever may have been their motives, it is certain that the EMPEROR was wholly undeserving of his fate, and that his execution was an act of the most reckless impolicy.

LORD COWLEY.

LORD COWLEY, who is about, after many years, to vacate the Embassy at Paris, has been familiar with the diplomatic service from his infancy. His father, sharing the ability and fortune of his prosperous family, was employed half a century ago in important missions under CASTLEREAGH and CANNING, and ended his official career as Ambassador to France. The qualities of a diplomatist are but little known to the world at large, although now and then the demeanour of an Ambassador placed in an exceptional position attracts general attention. Lord STRATFORD DE REDCLIFFE, even before his name was rendered popular by Mr. KINGLAKE, had often been the object of satire which generally implied respect, and he was regarded with pride and confidence by the English community in the East. The exercise of a kind of reforming protectorate over Turkey pleased the general imagination, especially as it was known that the stern censor of the Porte was always ready, in defence of his client, to face the utmost wrath of Russia. No other foreign representative of England has, in the present generation, attained the same general recognition of his merits. An Ambassador at St. Petersburg, at Vienna, or at Paris cannot affect the character of a Viceroys, or of a Resident in a native Indian principality. It is his business to acquire influence at the Court where he resides, to collect useful information for his own Government, and generally to promote a policy which originates at home. As Lord COWLEY has during a long period enjoyed the confidence of many successive Ministries, it may be assumed that he has discharged his duties with advantage to his country. Temper, prudence, and accuracy are

not brilliant or startling qualities, though they are among the most useful gifts of a man of business, and more especially of a diplomatist. Perfect tact is more especially required where, as in France at the present day, Ambassadors have to deal directly with the Sovereign, instead of transacting the most important business with a Cabinet. To be respectful and conciliatory, and at the same time firm, is a proof of vigour and pliability of character; and there is reason to believe that Lord COWLEY was a *persona grata* at the Tuileries, although he has never been accused of undue subserviency to the EMPEROR. The facility of communication between France and England partially relieves an Ambassador at Paris from the temptation of becoming a partisan of a foreign Government. When the despatches relating to some important crisis are made public, it is amusing and instructive to observe the tendency of diplomatists to identify themselves with the Governments to which they have been accredited. During the Italian wars of 1848 and of 1859, the information furnished to the English Government was tinged by opposite prejudices as it proceeded from Vienna or from Turin. The late Lord NORMANBY learned, during his official residence at Florence, to be the enthusiastic advocate of the petty Italian princes; and Sir JAMES HUDSON, representing more accurately the feeling of his countrymen, was almost considered an Italian patriot. No published correspondence has yet shown that Lord COWLEY had become a Frenchman in his political opinions, although his formal despatches on the eve of the Italian war may seem to indicate credulity. The English practice of printing diplomatic blue-books for the information of Parliament has naturally led to the transaction of much important business by means of private and confidential letters. An Ambassador writing with a view to future publicity may sometimes repeat in his formal despatches, without note or comment, the pacific assurances which he has received, and at the same time may intimate to his Government his own conviction that war is imminent, and that armaments are not the less real because they are officially disavowed.

Having been successively the organ of Lord PALMERSTON, of Lord CLARENDON, of Lord RUSSELL, and of Lord STANLEY, Lord COWLEY has probably learnt the truth of Lord ABERDEEN's assertion that the foreign policy of England is substantially the same under all Governments. The list of Foreign Secretaries might perhaps be abridged, inasmuch as Lord PALMERSTON, when he was in office, always controlled the foreign policy of England; yet the nominal head of the department necessarily writes and signs the despatches which express the intentions of the Cabinet or of the First Minister. It was Lord COWLEY's fortune to transmit to the French Government Lord RUSSELL's successive refusals to participate in the proposed Congress, and to support the efforts of France in the cause of Poland. It is the business of an Ambassador to be unconscious of offence, even when it is his duty to make the most disagreeable communications; yet it may perhaps have been a satisfaction to Lord COWLEY when the death of Lord PALMERSTON relieved Lord RUSSELL of the duty of writing despatches. Within the same period were included the decision of the English Government to take no share in the Mexican war, and the frequent interchange of proposals and advice on the American question. While the people of the United States were raving against the treacherous hostility of the English Government, Lord COWLEY was incessantly conveying to the French Government arguments and resolutions in favour of the most scrupulous neutrality. The position of Lord LYONS at Washington was only one degree more unenviable than that which imposed on Lord COWLEY the duty of thwarting day by day the dearest wishes of the Emperor NAPOLEON, but the regard for personal courtesy which prevails universally in Europe tends greatly to diminish the harshness of diplomatic collisions. It was well known that the English Ambassador was controlled, not only by his Government, but by the public opinion of his countrymen; and a wise Sovereign prefers an independent representative of national feeling to a sycophant who may mislead him into dangerous enterprises by courtly deference. During Lord COWLEY's career at Paris he was more often an opponent than a supporter either of the principle or of the details of French policy, but he seems to have commanded the esteem and goodwill of the EMPEROR, perhaps because he had never attempted to deceive him. It was one of the many foibles of NICHOLAS I. of Russia to exhibit ill-humour to foreign Ministers whenever they thwarted his wishes, or offered unwelcome remonstrances. The present ruler of France is wiser, and has more control over his temper.

One of the most important affairs with which Lord COWLEY was officially connected was entirely conducted by a non-professional negotiator. The Ambassador merely afforded facilities to Mr. CORDEN's conduct of the Commercial Treaty; and invidious comparisons were not unnaturally drawn between the active promoter of free trade and the ostensible representative of the English Crown. The business of a diplomatist has, in truth, little connexion with the special arrangements of a tariff. An Ambassador, like an advocate, must be ready to support the interests of his country on all occasions, but he is not expected to possess the minute knowledge of a practised economist. When Mr. PITT negotiated his commercial treaty with France in 1786, he employed Mr. EDEN, who was the best economist of his time, as Minister Plenipotentiary, although the Duke of DORSET retained the rank of Ambassador. As the Treaty of 1860 was framed in accordance with the wishes of the EMPEROR, there was, properly speaking, no need of negotiation. The knowledge possessed by Mr. CORDEN, and the confidence which he commanded among traders and manufacturers, eminently qualified him for the useful function of teaching the French nation the English lesson of free trade. His favourite belief that commerce was an effectual cure for political aggression received an instructive comment in the annexation of Nice and Savoy, while he was still adjusting the details of the treaty. It is said that greater adroitness in negotiation might have procured for Switzerland a portion of the province which now forms a part of the French Empire; but in so important a matter the Ambassador was probably relieved from responsibility by the distinct orders of his Government. The coolness which followed the seizure of the Italian provinces yielded gradually, like previous causes of disagreement, to the sense of common interest which has now for thirty years found expression in the alliance of England with France. Neither Poland nor Denmark, neither the crime of ORSINI nor the failure of the joint expedition to Mexico, have permanently disturbed the conviction that the two great nations of the West have a common concern in the defence of civilization in distant regions. The necessity of keeping watch on the ambitious designs of France nearer home has been happily diminished by the establishment, in the centre of Europe, of an independent Power of the first order. Lord COWLEY's successor will probably have to deal with a policy of peace on the Continent, and he will not be embarrassed by the dying tradition of French hostility to England. Lord COWLEY has been the witness, and perhaps in some degree the promoter, of a change of opinion or sentiment which is mainly due to the rise of a new and less prejudiced generation. Those who remember the popular language of twenty years ago can best appreciate the improvement in the spirit of the French nation. After so complete a revolution of feeling, enthusiasts may hope that at some distant period even American politicians may learn to treat England with ordinary good sense and civility.

AMERICA.

THE party contest in the United States is not especially interesting to foreigners, but the progress of reconstruction of the Union, and the obstacles by which it is interrupted, furnish instructive lessons to political observers. The clamour and the cant of intolerant admirers of democracy have rendered the study of American politics distasteful to many educated Englishmen. Dispassionate inquirers find little satisfaction in arguing with partisans who assume that the issue of a war has not only determined the course of events, but established the sacredness of a principle. The victors in the civil strife have confuted many hostile prophecies, but they have not yet falsified the assertion that it would be difficult or impossible to restore the boasted Constitution of the United States. Mr. JOHNSON tried the only feasible method of attaining the desired object when he assumed that an abortive secession had left the Southern States in possession of their full constitutional rights. His opponents not unnaturally maintained that conquest involved larger consequences than the mere defeat of aggression, but, in profiting by the possession of superior force, they necessarily abandoned the ground of the Constitution. Mr. THADDEUS STEVENS, who is the leader of the Republican majority in Congress, openly avows the doctrine that the South has absolutely forfeited its place in the Union, and that it remains wholly at the mercy of the conqueror. After the Hungarian war Prince SCHWARZENBERG propounded exactly the same theory in similar language; and, although Hungary has been strong enough to extort a full retraction from Austria, it is wholly uncertain

whether the Southern States will be able to escape from the extreme results of military disaster. Mr. STEVENS has not yet induced the bulk of his party to concur in his project of confiscating the landed property of the Southern gentry, but the most moderate members of the Republican body approve the unconstitutional legislation of Congress, and they are all prepared to sanction any further acts of vigour which may be necessary to enforce absolute submission. Foreign critics have been deceived by the extravagant reverence for the Constitution which it was formerly the pleasure of all Americans to feel or to profess; and they have consequently undervalued the pliability of the national character, and perhaps its political aptitude. The proof that a course of action is impracticable because it is illegal obviously stands or falls with the recognised supremacy of law. That a Government founded on the consent of the governed, and requiring their active co-operation, cannot be exercised over an unwilling population, is a proposition entirely independent of experience. That the United States possessed such a Government was perhaps a hasty, though plausible, assumption.

It is but fair to the Northern Republicans to admit that they are sincerely anxious to return to their former political condition. To them the terms imposed on the defeated party appear not intolerably harsh, and if the Southern States offer the guarantees of submission which have been exacted by Congress, they will probably be welcomed back into the body of the Union. It is perhaps unfortunate for both parties that the law which purported to override the Constitution was, in the hurry of a closing Session, expressed in vague and inoperative language. In consequence of alleged excesses of power committed by some general officers in charge of military districts, the PRESIDENT instructed the ATTORNEY-GENERAL to furnish an authoritative interpretation of the Act of Congress. Mr. JOHNSON's habitual maladroitness may be supposed to indicate honesty of purpose; for if he had waited three weeks longer, the time provisionally fixed for the commencement of a summer Session would have passed without the meeting of a quorum, and Congress could not have reassembled before next December. The reference to Mr. STANBERRY and his published opinion revived the dying antagonism of the Republicans to the PRESIDENT; and Congress will now remedy its own oversight in legislation, and at the same time it will probably render the conditions of reunion more stringent. The ATTORNEY-GENERAL shows, by examination of an Act which was undoubtedly intended to create a military dictatorship, that under its provisions the generals in command of districts are subordinate to the Governments of the States. It follows that the dismissal by military authority of State Governors and of other high functionaries is invalid, and that the generals in whom Congress had reposed exclusive confidence are scarcely more than superior officers of police. The provisions for the disfranchisement of so-called rebels have been framed with equal carelessness; and the Republicans feel the irritating consciousness of having, through hurry and a determination to silence adverse criticism, exhibited leniency when they intended to be extraordinarily severe.

The comments on Mr. STANBERRY's opinion have been curiously illustrative of the present temper of the North. With remarkable candour the Republicans have generally admitted the soundness of his interpretation, but they have not less unanimously refused to be bound by the legal construction of their favourite measure. The followers of Mr. STEVENS naturally rejoice in the opportunity of additional legislation; and the moderate party contended that the PRESIDENT ought to disregard the ATTORNEY-GENERAL's opinion, and to allow the commanding generals, in default of a law, to execute the supposed intentions of Congress. An Attorney-General, it was said, is a mere adviser of the PRESIDENT. The Executive is not bound to adopt his recommendations, and it is not necessary to interfere with the discretion of the generals, or with their private interpretation of the statute which creates their functions. In other words, a President who has narrowly escaped impeachment for alleged disregard of law has been invited to exercise powers acknowledged to be illegal, because they would promote the wishes of a popular majority. Mr. JOHNSON, taking a different view of his duty, consulted his Cabinet, and by a fresh innovation he published the opinions of his official advisers. His adversaries justly remark that, as the PRESIDENT is exclusively responsible for his acts, he is not entitled to rely for his vindication on the judgment of his Ministers; but, in the general disregard of constitutional theory and practice, the publication of Cabinet minutes seems but a trivial irregularity. With the exception of Mr. STANTON, all the Ministers agreed in Mr. STANBERRY's interpretation of the Act, and the PRESIDENT afterwards announced his intention

of issuing corresponding orders to the district commanders. In consequence of the time selected for the discussion, Congress has the opportunity of parrying the blow by passing a supplementary Act which will on this occasion probably leave no room for doubt. On the whole, it is perhaps better for the South, as well as for the North, that the arbitrary experiment of reconstruction should be fully and fairly tried. Even if disfranchisement and negro suffrage falsify the representation of the South for the time, every subsequent election will tend to repair the injustice. Among the many possibilities of the future, negro supremacy over a race of English descent is assuredly not to be reckoned. To European believers in constitutional freedom it seems better to alter a law to suit a prevailing policy than to prefer the will of the majority to the letter of the statutes; but America, having just burst the bonds of superstitious faith in the Constitution, is naturally indisposed to regard ordinary laws with deeper reverence.

Familiarity with the exercise of despotic power produces indifference to all restrictions of law and of tradition. The Americans are mistaken if they believe that revolutionary absolutism in the government of the conquered States will be found compatible with the maintenance of orderly freedom in the North. Some of the Republican missionaries who are now traversing the remoter States promulgate doctrines which will produce alarm in New York and in the cities of New England. Mr. WADE has proclaimed in Kansas a crusade on the part of labour against capital, and against the unequal division of property. It may be said that more atrocious paradoxes are publicly advocated in England by the apologists of Fenian anarchy and of Sheffield murders; but hitherto at least the BROADHEADS who commit murder, and the BEESLYS who extenuate assassination, have not attained political rank, while Mr. WADE is President of the Senate, and a probable candidate for the Presidency of the United States. An omnipotent Congress elected by an all-powerful majority might not be incapable of legislating against property, as well as of setting aside the Constitution under which it exists. The Legislatures of several principal States have lately passed laws restricting the day's labour to eight hours, and at the dictation of the same dominant section of the community they would not have shrunk from far more dangerous measures. Confiscation of Southern property would within a few years be almost certainly repeated in the North. The boasted constituency of independent farmers which allowed the Eight Hours Bill to be passed in Ohio and New York has never yet checked Congress in its wildest extravagance, nor would small freeholders be anxious to protect the merchants and manufacturers of the towns. Mr. WADE and his adherents will take good care not to extend the principle of subdivision to the point at which it would affect the majority of voters. The richer classes, who have long since been practically disfranchised, are, since the close of the civil war, no longer protected by the Constitution, and they must trust for the safety of their property to the possible moderation of their masters.

CLOSE OF THE SHEFFIELD INQUIRY.

THE painful work of the Sheffield Commissioners has come to an end, and Mr. OVEREND and his colleagues have been saluted with congratulations, which they well deserve, on the effective way in which they have discharged their onerous duties. Those few persons in Sheffield who had sufficient public spirit to demand the inquiry—and among them the Editor of the *Sheffield Daily Telegraph*, who has risked his life on the issue, deserves the first commendation—may in some sense be pleased that their persistent assertions, that revelations would be made which must shake the whole country with horror, have to the very letter been fulfilled. Sheffield has won, and will long wear, a name of infamy; serious misgivings as to the future of trade itself are generally, and not without reason, entertained; and English civilization has been stained, and stained in that very characteristic of our European pre-eminence on which we most plumed ourselves. But what causes deep regret is that the perpetrators of these most atrocious crimes escape without even the punishment which the first murderer had the decency to inflict upon himself. While we deplore that, for the interests of the body politic, it was perhaps necessary to pass an anticipatory Act of Indemnity for the murderers on condition of their making an ample confession, it should be borne in mind, by Mr. HUGHES and those speakers in the debate of Thursday night who seem to think that the ordinary course of justice might have been relied upon to detect the criminals, that the inquiry

was based on this fundamental condition. Mr. OVEREND, on opening the Commission, took care to declare that he did not sit with the view of punishing criminals, or even for the larger purpose of ascertaining whether certain crimes had been committed, but for the investigation of the specific issue whether the Unions, or their administration, were responsible for, or cognizant of, those crimes. The offences themselves were undeniable and un denied. They had already been submitted, though ineffectually, to judicial inquiry. The Hereford Street outrage, the Acorn Street outrage, the crimes perpetrated on LINLEY and Mrs. O'ROURKE, on FEARNEHOUGH, and all the rest of the victims, were not what the Commissioners went down to investigate. Their object was to find out what certain persons strenuously maintained, and certain other persons as strenuously denied—whether the officials of Trades' Unions, Treasurers and Secretaries, and more especially one BROADHEAD, were concerned in them. This was the issue, and to establish or refute it the inquiry was demanded; and it was demanded with equal vehemence of the HOME SECRETARY by deputations both of the accusers and the accused. And it is the more necessary to bear in mind this antecedent consideration because of the attempt which is made by the apologists, both of the Unions and of the murderers, to confine the result to the detection of the guilt of BROADHEAD and his fellow-assassins. It is unfair, they say, to make so much of the Sheffield revelations; they do not inculpate Unionism generally, or Sheffield Unionism in particular. All that has been found out does not affect what they call "the general principle." If this be so, then the whole labours of the Commission are thrown away, and the Commissioners have not discharged that very duty which was committed to them. We shall, however, be very much surprised if, in their Report, Mr. OVEREND and his colleagues do not make it plain what duties they were entrusted with, and what was the object of the investigation which they were instructed to make. Pending that Report, we shall, with Professor BEESLY's permission, or even without it, continue to urge that the proof that BROADHEAD is a bloody murderer is only a subordinate result of the Commissioners' labours. This conclusion will go some way to mitigate the regret that must be felt that a dastardly murderer gets off with entire impunity. It was essential to the carrying out of the one and fundamental intention of the Commission to face and to admit this unpleasant contingency. And we must say, though we have the misfortune to differ with Mr. GLADSTONE, that the loss which public morality suffers by the impunity which BROADHEAD enjoys is compensated, though imperfectly, by the gain which accrues from understanding the true working of the Union system.

BROADHEAD has received his certificate of indemnity, and though he had the unparalleled impudence to ask for his expenses—that is, for certain days' labour when he wasted his valuable time in proving himself to be a murderer, robber, and liar of the first magnitude—which expenditure of the public funds Mr. OVEREND was inconsiderate enough to refuse, it must be some satisfaction to this villain to know that, on the whole, he is rather a gainer by his interviews with the Commissioners. His beer-shop is very much more frequented by his old pals than before; and just as CRIBB and SAYERS made much money by standing behind their bars and rehearsing their fictitious exploits for the admiration of their customers, so BROADHEAD nightly and daily repeats his experiences of murder and arson, and enlarges, with fond delight, to sympathizing crowds, on how LINLEY was shot and FEARNEHOUGH blown up. CROOKES, too, is a man of local and heroic fame, and darkly hints that the next time he goes in for assassination he will be a little more dark and a little more bloody. So much is he appreciated that a "Reverend gentleman"—unknown, however, to the Clergy List—having made it the subject of serious prayer, has succeeded in extorting from this interesting assassin's employers an undertaking that CROOKES shall have constant work, and it must be a great satisfaction to Sheffield that it will not be deprived of their hero's example and experience. Not that CROOKES stands alone in popularity and patronage. RENSHAW, even before the Commissioners, seemed quite proud of his crimes, the revelation of which was greeted with laughter, and what looks very like applause, by "the crowded Court." As to public opinion in Sheffield, there has been one, and but one, redeeming episode. On Monday night an open air meeting of working-men, ten thousand strong, denounced the crimes and pledged themselves to redeem, as far as in them lay, the character of the town. But this expression of honest opinion stands alone; and we have some doubt about its sincerity, as CROOKES's advocate, "the Rev." Mr. STANTON, was

the chief speaker at this meeting. We cannot congratulate the men of Hallamshire on the state of the public mind. It does not cost much to hold indignation meetings now; the steed being stolen, the only matter worth talking about is why the stable-door was not shut. And up to last autumn the conduct of the employers was pusillanimous to the last degree. Even while the inquiry was going on, one at least of the masters, a Mr. HOOLE, found it convenient to go to Paris. CROOKES did receive notice to quit his work, but he has been reinstated. Beyond this, local opinion would not justify a severer punishment. Judge LYNCH has not been heard of; BROADHEAD is not a fugitive and a vagabond on the earth; not only is there not the least likelihood of any one that finds him slaying him, but the public-house which he cultivates will henceforth yield unto him a double strength, and his end will perhaps be like that which M. RENAN suggests befell JUDAS ISCARIOT, that he will retire to a suburban villa, his Hallamshire Aceldama, and perhaps dignity some day or other the Town Council with his presence—at least if he does not, as does not seem likely, attract the especial attention of the licensing magistrates. NINA LASSAVE, the assassin FIESCHI's mistress, hired herself out as a *dame du comptoir*; but Parisian public opinion was more bigoted than that of Sheffield. The miserable French girl was hunted into obscurity by French indignation. BROADHEAD only makes a good income by exhibiting his more daring iniquity to public admiration in Sheffield.

The more philosophical, as they would say, advocates of the Unions take a rather curious line. Their argument is that all authorities—Mr. BROADHEAD is prominently quoted—admit that rattennings and Union outrages have occurred only because the Unions have not been protected by the law. Trades' Unions ought to be legalized, and their by-laws should have the force of law; and then the occupation of BROADHEAD and RENSCHAW would silently disappear. This argument implies that the object sought by BROADHEAD was really and truly the object aimed at by the Unions; but that the means which he felt bound, under the constraint of high duty, to resort to, were rather objectionable, and a little strong. BROADHEAD was right in his principle, but it was "a grand mistake" to do "what these men have found necessary." And, after all, "BROADHEAD and his associates only applied to these objects secretly the means that society uses openly to deter or to punish." But this excuse implies two considerations. First, that it is right, in the interests of trade and of the working-men, to enforce by law those regulations which BROADHEAD enforced without, or rather against, law. We ask, then, what were BROADHEAD's objects? what are the regulations and by-laws which we are asked to legalize? That the number of workmen to be employed in any given shop or manufactory should be dictated by the workmen already engaged in it. That the wages and hours of labour should be settled by them. That the quantity of work which the most skilled workman is permitted to perform in any given number of hours is to be decided, not by him or his employers, but by his fellow-craftsmen. That, for trade purposes, unskilled or idle workmen must be admitted to the same privileges in the way of wages as the best artisan. That the number of apprentices is to be settled neither by the employer nor the single artisan, but by the Council. That the Union funds—that is to say, the honest and industrious and skilful workman's earnings—may be taxed for the support of workmen to whom it may be convenient to give pensions, though they are never expected to do, or are forbidden to do, a single day's work; and that every workman should be compelled to contribute to these Union funds. These are the Union regulations, and these are the trade rules which we are called upon by Mr. BROADHEAD and the *Beehive* to legalize, and that on the precedent of the Factory and Mining Acts, which certainly interfered with the freedom of labour in the case of women and children. And, as if this were not enough by way of precedent, we are asked to go back to the practice of the mediæval guilds, and the *Liber Albus* is quoted to show that trade tyranny of this sort is no new thing. It is quite enough to say on this point that what is really meant by the claim to legal recognition for the Unions and their rules is to resort to Protection in its most obnoxious form. Next it is said, not only is this right in theory, but it answers in practice. Though BROADHEAD's means were unjustifiable, his principle was right, and as he and the Unions did really for many years manage to conduct the trade of Sheffield on these, though illegal, yet just and reasonable conditions, the actual prosperity of Sheffield under them is the best proof that the Union laws are not only just, but politic. They are good and righteous, and they pay. We

should never have had Brown's great Atlas works, and all the rest of the commercial prosperity of Sheffield, had not BROADHEAD's principles of trade, as a matter of fact, been carried out. That is, in plain English, it is to the success of rattening, and murder, and blowing-up—barbarous, but practical, means of enforcing a great principle—that Sheffield owes its high wages and wealth. "Give us," say BROADHEAD and his friends, "what rattening and murder have in a coarse, vulgar, indefensible way achieved, and we shall be quite content." The answer to all this is that, if it is true that high wages and large fortunes can only be gained—that is, if trade can only be satisfactorily carried on—by this sort of thing, why trade must go. The issue is a terrible one; and it seems not unlikely that the further inquiries which are to be prosecuted in other manufacturing towns will compel us soon to face it. If the principle is wrong as between man and man, and if its prevalence will only in the long run drive trade elsewhere, it is beside the question to point to the progress of Sheffield within the last fifty years. Protection will always answer up to a certain point, for a particular generation, and now and then under local circumstances. But because Sheffield has done a great stroke of business, has produced a very sensuous and full-blooded people, this is no reason why Sheffield success should last for ever, or why English law is to adopt and enforce the very remarkable mode of doing business under which this Jeshurun has not only waxed fat, but has kicked in so very pronounced a fashion.

FRENCH POLITICS.

THE silent attention with which the French Legislative Assembly listens to M. THIERS is a remarkable testimony to his skill and experience as a debater. The Corps Législatif is not usually a patient audience when an Opposition Deputy has mounted the tribune. The small knot of ten or twenty Liberals who compose the real Left of the French Chamber are at perpetual war, both with the majority and with the PRESIDENT. Thirty or forty times, perhaps, in the course of an exciting afternoon, there is a distinct passage of arms between M. SCHNEIDER, as the organ of the majority and of order, and the mutinous group that constitutes the minority. A Liberal speaker seldom finishes a speech without noisy interruption from an Imperialist and "devoted" House. M. THIERS must be admitted to have made himself an exception. The art and tact with which he manages to obtain a full and almost deferential hearing are Parliamentary qualities of the highest kind. His last review of the sad story of the Mexican expedition is a masterpiece. There is not a particle of discourtesy to the French EMPEROR in it from the beginning to the end. Yet, as a whole, it is a scathing exposure of the faults and follies of that wild Imperial enterprise, and the point and moral of all, delicately but incessantly dwelt on, is that France ought to be self-governed. As long as the *Moniteur* prints in *extenso* such political criticism, it cannot be said that free speech has left the country. Considering the sensitiveness of the Executive, it is astonishing that it can afford to see its own official organ daily reproduce for publication attacks on the EMPEROR's policy far more damaging than twenty times the number of bitter leading articles. After an oration of M. THIERS, one is disposed to wonder that it should be worth while to prosecute so severely the occasional escapades of M. EMILE DE GIRARDIN.

Upon the other hand, the body of the Chamber remains faithful to the principles for which it has been convened. The extreme Left, in all this number of years, have not advanced their Parliamentary position. They irritate the House, they defy it, they keep it for ever in a condition of discomfort and restlessness, but they do not convert it. Perhaps they do not care to do so. Their mission probably is not to persuade, but to protest. If France only reads what they have to say, their free comments on the Empire pass beyond the poor limits of the walls of a Legislative Assembly which is neither brave nor honest. But as far as the active business of legislation is concerned, the Left possess no more power of defeating a Ministerial plan than Mr. MILL would have of inducing the Conservative country gentlemen of either House to follow him into the lobby. A kind of Liberalising process goes on, it is clear, among a certain number. Nature, in the course of fifteen years, has formed one or two specimens of that singular phenomenon, the Independent Imperialist. M. EMILE OLLIVIER is supposed to be employed upon the slow and Sisyphean task of forming more. But the development of the species is so gradual that Independent Imperialists will be a noticeable body in the State about the time when the Empire itself, in the progress of time, has become effete. The remainder of the Chamber is

composed of men who can scarcely be considered politicians. Their avowed function is that of supporters of the Government of the day. These are the men who resent as a personal offence the uncompromising and ungenial severity of M. JULES FAVRE and his friends, and who are nearly as petulant to M. GLAIS BIZOIN as the House of Commons to Mr. WHALLEY. The mass of them frequent the sittings of the Chamber, but have no moral or intellectual interest in the movements of France or Europe. They live in an atmosphere of fashion, wealth, pleasure, commerce, speculation, intrigue, patronage, corruption, but not in an atmosphere of politics. The language of incorruptible and inflexible political integrity is a language which, so far as they can understand it, they believe to be insulting and disrespectful to themselves. They sit through the Session in the spirit of guests at the EMPEROR's table, prepared to resent as ill-breeding any stringent criticisms on the host. It is a sign of his ingenuity and art that M. THIERS makes these creatures listen to him. His success is not absolutely thrown away. The French EMPEROR is by no means indifferent to the languid stir of common sense which at times is seen on the surface of these stagnant waters. He watches it keenly. It is the public opinion which he consults. And when the inert majority of an epicurean, if not a corrupt, Chamber shows signs of awakening to life and to political interest, the EMPEROR knows it is a symptom of the times. Indirectly the majority of the Chamber does occasionally thus influence the action of the Executive, and M. THIERS has begun indirectly to influence this dull and lethargic majority.

It cannot, therefore, be said that there is no motion or advance in French politics. Every splash produces a ripple, and the EMPEROR's mistakes help on slowly the Liberal wave. Bolder and freer speech, couched carefully, it is true, in all the conventional forms of courtesy, has been tolerated this Session than would have been suffered to pass muster a year or two ago. M. ROUHER's usual form of defiance has this week actually changed into a tone of apology; and his answer to M. THIERS avowedly comes to this, that the EMPEROR and his Chamber, in honour and dishonour, will stand and fall together. When the EMPEROR's spokesman talks to the Chamber of his bedfellow in disgrace, it is plain that the prestige of the Empire is severely shaken. In other respects the year has been less fruitful of political reforms than was expected at its outset. After much deliberation, the Government has made up its mind to serve out to the nation two more thimblefuls of liberty. They both have been long promised, and they have come at last. The first consists of the new law which, by a polite fiction, is supposed to place on a secure footing the constitutional right of public meeting. Upon the reading of the draft, M. GLAIS BIZOIN—the *enfant terrible* of the Chamber, who has not a talent, apparently, for being thankful over small mercies—declared, with some reason, that the Bill was not so much a Bill to permit public meetings as to prohibit them. All the promised concessions given by the measure merely amount to this, that Frenchmen may hold meetings for strictly commercial purposes on certain carefully specified terms. And the terms are wonderful enough. An agent of the Executive is always to be present, charged with the duty of dissolving the assembly if it travels on to uncommercial topics. Political or religious meetings will remain subject to the old law. The measure is not one, therefore, for the relief of French citizens, so much as for the relief of French bagmen.

In fairness it must be added that provision has also been made for the extension of the privileges of electors at election times. On such occasions electors will be able to arrange and advertise a meeting to settle the choice of their deputy. For fear lest liberty should degenerate into license, the names of those who are to be present must previously have been handed to the police. A Government functionary will attend by desire, and no such "reunion" is to be permitted within five days of the ballot. Such is the first measure of Reform which has been drafted in 1867. The second bears the same trade-mark, and is issued evidently from the same manufactory. Thanks to the newly-produced law on the Press, journalism is no longer to be at the mercy of a Minister of the Interior and of his man in black. But the only amelioration consists in this, that it is to be at the mercy of the correctional police instead, and that the powers of suspension and suppression at present entrusted to the Executive are to be transferred to the civil magistrates. This is an appreciable benefit, though not one of extraordinary importance so long as the magistrate is in reality the tool of the Executive and the right of trial by jury is withheld. Hitherto, every French publicist has always written with the sword of DAMOCLES suspended over his head. The only difference now will

be that the suspended weapon must descend by machinery instead of hand-power. How far the substitution of the judicial severity of the correctional police for the *ex parte* inquisitions of the Minister will sensibly alter the value of newspaper property in the market is a fine calculation in which we are unable to engage. Journals will be suspended and suppressed, in all probability, about as frequently henceforth as heretofore. It is obvious that the Empire still proceeds upon the theory that political literature in France requires to be strictly watched. So long as this view is the official and accepted view of the Government, it matters little what instruments are used to put the handcuffs on French journalism.

JUDICIAL VACANCIES.

TWO veteran Judges have, one by resignation and the other by death, increased the extraordinary number of recent vacancies on the Bench. Dr. LUSHINGTON, though he counts many eminent contemporaries in his own profession, first became eminent in a generation of laymen which has long since passed away. He entered Parliament about the same time with Lord PALMERSTON, who was younger than himself, and he had acquired reputation both as a politician and as a lawyer when he was associated with Mr. BROUGHAM, Mr. DENMAN, and Serjeant WILDE, in the defence of Queen CAROLINE. Long after his appointment to judicial office, Dr. LUSHINGTON retained his seat in the House of Commons; and he would probably still represent the Tower Hamlets if modern propriety or prejudice had not prohibited all Judges, except the MASTER of the ROLLS and members of the House of Lords, from taking part in political life. His learning and ability had long commanded respect from practitioners and suitors in two entirely different departments of jurisdiction. As Judge of the Court of Admiralty, it has been Dr. LUSHINGTON's duty to continue the work of Lord STOWELL by applying or discovering principles of international law in a difficult period. As a principal in the Russian war, and as a neutral during the American contest, England has been liable to the risk of collision with foreign Governments under new and unprecedented circumstances; but nearly all the litigation arising from maritime war is conducted in the Courts of the belligerent, and, accordingly, the most recent decisions on the law of blockade and of capture have been given by American tribunals. During the Russian war Dr. LUSHINGTON ruled that a vessel belonging to a citizen of the Septinsular Republic was not liable to seizure, as the property of a British subject, for trading with the enemy. There is no doubt of the correctness of the judgment, although the great majority of Englishmen had previously fancied that the Protectorate of the Ionian Islands was equivalent to sovereignty. If the subsequent cession of the Islands to Greece had ever been debated in Parliament, the supporters of the cession might have urged, with considerable force, the inexpediency of being responsible for the protection in foreign countries of a community which was not bound to follow the Imperial fortunes in peace or war. In the everyday practice of his Court, learning, long experience, and natural acuteness combined to render Dr. LUSHINGTON a competent judge of the mixed questions of law and fact which chiefly occupy a Court of Admiralty. He was perhaps more popularly known as the holder, at a salary of 10*l.* or 20*l.* a year, of the anomalous office of Dean of the Arches. Nearly all the ecclesiastical disputes of recent times have been submitted to his decision, and the large number of persons who take an interest in niceties of doctrine and discipline have canvassed his judgments with approval or disapproval, according to their several leanings and prepossessions. The GORHAM controversy, the prosecution of Archdeacon DENISON, and the proceedings against some of the authors of the *Essays and Reviews* were first heard in the Court of Arches. Some of Dr. LUSHINGTON's judgments were reversed in whole or in part by the Judicial Committee of Privy Council, but he has never been accused of an undue bias for or against any religious party. As an ecclesiastical judge, he perhaps inclined too much to the side of custom and of apparent order. Like almost all Liberal politicians far advanced in life, Dr. LUSHINGTON regarded with dislike any deviation from precedent, or attempt at novelty. The paradoxes of antiquarian reformers disturbed his habits of thought; and he was not ready enough to perceive that an alleged heretic was likely to have studied rubrics and formularies more carefully than the multitude which had always taken its orthodoxy for granted. A representative, however, on the Bench, of popular opinion on religious questions is greatly preferable to a bigot or a pedant. It has been one of Dr. LUSHINGTON's claims to confidence that he has always been a

man of the world, and a popular member of society. A mere recluse may be an oracle of law, but good sense never keeps fresh and sound without constant attrition.

The death of Lord Justice TURNER has caused general regret. His quiet and unambitious career had led him to a post which he was thoroughly qualified to fill. He had always been a sound lawyer, and on his elevation to the Bench he was found to possess a thoroughly judicial mind. His steadiness and gravity of manner contrasted favourably with the vivacity of his late colleague, and their joint judgments were regarded with respect and deference. Some of the Equity Judges of the first instance have perhaps occasionally writhed under the inexorable firmness of the Lords Justices in correcting the errors of the Courts below. The importance of the appellate tribunal is greatly enhanced by the occasional appointment of Chancellors from the Common Law Bar, who are necessarily unfamiliar with the theory and practice of equity. Few suitors would be confident in prosecuting an appeal to the House of Lords from an unfavourable judgment delivered by Lord Justice TURNER and Lord CAIRNS. The promotion of the ATTORNEY-GENERAL will maintain the high character of the Court, and it will remove a great lawyer, much probably to his own relief, from an uncongenial sphere of action. No man at the Bar has been more respected than Sir JOHN ROLT, and few members of the House of Commons seem to know or to care so little about political questions. In the Court of Chancery the ATTORNEY-GENERAL was a formidable advocate, as well as a great legal authority; but when he made a speech in Parliament or at a public meeting, about Reform or Conservatism, he seemed to be repeating a lesson from a third-rate text-book. It is always unsatisfactory to witness the awkwardness and the failures, in alien fields of action, of men of great ability. If Sir JOHN ROLT had not been a member of Parliament he would not have been Attorney-General, and therefore he would probably not have become a Lord Justice; but the conditions of his promotion must have been unwillingly accepted, and it may be conjectured that, when Sir HUGH CAIRNS retired early from the House of Commons, his successor, inheriting none of his Parliamentary aptitude, envied him the quiet and serenity of the Bench. The remaining dignitaries of the law must tremble as they witness new illustrations of the fortune which attends Conservative lawyers. In the year and two or three days which have elapsed since Lord DERBY's accession to office, the Chief Justice of the Common Pleas, the Chief Baron, two Lords Justices, and a Vice-Chancellor have died or retired. The offices of Attorney and Solicitor-General have been filled respectively by two or three incumbents, and the present chief law officer of the Crown only entered Parliament for the first time six months ago. On the promotion of Sir JOHN KARSLAKE, the new Solicitor-General will probably be selected, according to a prevailing custom, from the other branch of the profession. It is supposed that Mr. BRETT will receive one of the new judicial appointments, if the LORD CHANCELLOR's Bill for reconstituting the Admiralty Court is passed; and it may be taken for granted that the office of Solicitor-General will be offered to Mr. SELWYN. No other lawyer in the House of Commons belonging to the Ministerial party has any plausible claim to high professional office; and if Judges persist in dying or retiring, they will involve the Ministry in some personal embarrassment. It is, perhaps, on the whole, not to be regretted that so many vacancies have occurred under a Conservative Government. As Sir ROUNDELL PALMER would scarcely have accepted any judicial office except the Chancery, it would have been impossible for the Liberal party to find in its own ranks candidates for promotion so highly qualified as Lord CAIRNS and Sir JOHN ROLT. Vice-Chancellor MALINS has hitherto discharged his duties to the satisfaction of the profession, and Sir FITZROY KELLY has surprised friends and detractors by displaying remarkable capacity for presiding over the Court of Exchequer.

If Parliament sanctions the appointment of new Judges, a portion of the LORD CHANCELLOR's patronage ought to be diverted from the lucky lawyers of his own party to the benches of the Opposition, or to the non-political members of the profession. Sir ROBERT COLLIER and Mr. DENMAN hold highly respectable positions at the Bar, and one or both of them might probably prefer professional advancement to further service in the House of Commons. If Mr. COLERIDGE is ambitious, he will pursue the career on which he entered only in the present Parliament with extraordinary success. Outside the House of Commons, at least one lawyer of pre-eminent reputation has been passed over in successive promotions, and it is time that the Bench should be strengthened

by the accession of one of the most learned members of the Bar. In Parliament there is an unusual opening for a competent lawyer, who may add to his special knowledge the rarer gifts which distinguish an orator and a statesman. Sir ROUNDELL PALMER is destined, on the first change of Government, to soar from the House of Commons into the higher sphere from which Lord CAIRNS already contemplates the troubled scene of former conflicts. Mr. COLERIDGE looks around him in vain for an opponent or a rival; and Sir JOHN ROLT, who was himself ill-adapted to the House of Commons, leaves behind him no successor of equal professional reputation. Sir JOHN KARSLAKE is a successful advocate, a tolerable lawyer, and a clever speaker in the House of Commons; but, as the legal guide and leader of the House, he has still his business to learn. Mr. SELWYN unluckily belongs to the straitest sect of Toryism, and he has neither attained nor sought Parliamentary distinction.

CHANCERY REFORM.

VERY few legal measures have been so successful as the Reform of the Court of Chancery which was introduced in 1852. It is scarcely too much to say that what once was, and by many is still believed to be, the most dilatory Court in the world, became, by the effect of the legislation of 1852, the most speedy Court of superior jurisdiction which has ever been known in this country. Of late there has been a tendency to drift back into old habits of tardiness. Business has largely increased; and, notwithstanding the almost excessive rapidity with which causes are sometimes disposed of, arrears are beginning once more to accumulate. It is no doubt with a view to meet the increased demands made upon the judicial strength of the Court that the Government have introduced, and pushed on with a silent and rapid march, a Bill called the Court of Chancery Officers' Bill; and if the measure promised to make the action of the Court more prompt, without deteriorating it in other respects, we should gladly have seen it pass *sub silentio* into law. But the remedy proposed does not fit the mischief to be cured. The difficulty arises from the fact that the judicial work to be done is more than the judges can do, and the Bill deals with it by a proposal to make, not more judges, but more clerks. Even without the experience which the past affords, it would be easy to foretell how such an Act would work. Judicial work would come to be done by deputy, and the suitors would suffer accordingly. Unfortunately, however, the Legislature has already gone much too far in the direction we complain of, and this Bill, if it becomes law, will be an aggravation of existing evils, brought about partly by successive Acts of Parliament of the same character, and partly by orders of doubtful authority promulgated by the Chancellors from time to time. After a few more retrograde steps of this kind the Court will drift, in many respects, into the condition from which it was the main purpose of the Acts of 1852 to rescue it. At the risk of repeating what all lawyers know very well, we must, in order to make ourselves generally intelligible, explain what the reforms of 1852 really were.

Before that period the mode of procedure was cumbersome and dilatory in every particular, and the only redeeming feature of the Court was that every question was certain to be most carefully considered, so that the grandchildren of a litigant might generally rely upon having justice done them if the subject-matter of the dispute should have survived the wasting process of litigation. One of the chief elements of the evil arose out of the constitution of the Court. From time immemorial the Chancellor, and other judges of the Court, had been assisted by a staff of officers called Masters. Originally, perhaps, their duties may have been limited to administrative and ministerial work, but for a long time the post had been one of considerable emolument and dignity, and had been sought after by eminent members of the Bar who just fell short of the prominence which would have entitled them to expect an early elevation to the Bench. Men of whom many were really qualified to be Judges, and some afterwards attained that dignity, naturally began, to the great relief of the Bench, to assume judicial functions, and shifted their own administrative work on to their chief clerks and other subordinates; and so it came about that, by the middle of this century, the Court of Chancery comprised four Judges of primary jurisdiction, with a subordinate staff of deputy-judges called Masters, to whom questions of law and fact of the most complicated kind were often referred, subject, of course, to revision by the Judge-proper. Below these Masters, again, was their useful and necessary staff of clerks.

This plan was found not to work, partly no doubt from

defects in the machinery which might have been cured, but mainly (as the eminent Chancery Commissioners thought) because the whole system of allowing a Judge of first instance to refer judicial matters to a subordinate Judge was radically bad. It was accordingly recommended that the office of Master should be abolished, that the Judge himself should do all the judicial work which he had formerly sent to his deputy, and should merely retain the Master's staff of clerks for administrative, as distinguished from judicial, duties. These reforms were embodied in the Acts of 1852, which abolished the old Masters, and empowered each Judge to appoint two Chief Clerks. At the time when this Act was under discussion it was suggested that after a few years the new Chief Clerks would gradually encroach upon judicial business, as the Masters had done before, and that the evils of the old system of deputy-judges would soon revive. To prevent this it was determined to make the salaries of the Chief Clerks much less than those of the Masters had been, and to select the new officers, not as of old from prominent members of the Bar, who might be too ambitious, but from among the late Masters' Chief Clerks, and from the roll of attorneys and solicitors. The Act, moreover, directed that the Judges should sit in chambers for judicial work, with power to adjourn into Court many of the matters requiring full discussion, which under the old system had cumbered the Masters' offices. But for one circumstance—the lack of judicial strength—this arrangement might have worked admirably; but it was absurd to tell a Judge whose time was fully occupied in Court to do another man's work besides his own. The consequence has been that, although the time of the Judges is most unreasonably taxed by Chamber-business after sitting all day in Court, a large part of the judicial work which was intended to be transferred to them is now performed by the Chief Clerks. It is true that every suitor has the right of bringing any point before the Judge himself, and this by a process which in theory is much less dilatory than the corresponding appeal from a Master used to be; but, practically, a large part of the judicial work of the Court of Chancery is done (as was the case under the old régime) by deputy-judges, subject to appeal, instead of by the Vice-Chancellors themselves. So far as this portion of the reforms of 1852 is concerned, the effect has been to restore the old Masters under a new title and with improved machinery of office, and to shut out from a post which has become really judicial the class from which Masters were formerly recruited. The exclusion of the Bar from that post has failed to maintain the Chief Clerks in the comparatively subordinate, though by no means unimportant, position which they were meant to occupy. They are to all intents and purposes deputy-judges; and though among them are to be found some who do their work very well, this is no justification for a system which has substantially overruled an Act of Parliament, has restored the very mischief which it was the object of the Legislature to remove, and has at the same time so limited the field of choice as materially to impair the quality of the judicial material employed.

The natural consequence of this gradual return, under still less favourable conditions, to what was believed to be the exploded error of committing judicial functions to any but the highest class of judicial minds, has been a constant tendency to increase the number, and inflate the emoluments and position, of the Chief Clerks, and the Bill now before the House is designed as a further advance in the same direction. Powers are to be taken for the appointment of additional Chief Clerks and for the increase of their salaries, and various irregular orders on the subject already made without the sanction of Parliament are to be confirmed. It must be conceded that an increase of salary would by no means be misplaced if it is intended that the judicial functions of the Chief Clerks are to be continued and amplified. If these gentlemen are to undertake the duties of the old Masters of the Court, there is no reason why the dignity and the rewards of the position should be less than those which tempted lawyers as eminent as Sir RICHARD KINDERSLEY to accept the office, though there may be good reason in such a case for re-opening the field to candidates of the highest pretensions. But every movement towards a further elevation of the Chief Clerks is, we believe, a mistake, utterly at variance with the legislation of 1852, and likely to reproduce in an aggravated form the evils which were felt under the old constitution of the Court. It is quite true that the Court has more business than it can effectually get through, and that the apparent rapidity of its action is only obtained by the device of handing over to subordinates work which properly belongs to the Judge. It may be stated as a broad and incontrovertible principle that deputy-judges are altogether a mistake. Mere

administrative power may properly be supplied to the Court by the appointment of any number that may be needed of clerks and assistants; but if more judicial strength is wanted, the remedy is to appoint more Judges from the most highly-qualified lawyers who can be found, and not to delegate the functions of the Bench to a body of clerks who, however efficient for the duties which they were intended to perform, ought not to be intrusted with those which properly belong to the Judges. The fiction that judicial duties can be well performed by subordinates, subject to the supervision of the Judges, has been exposed by past experience of the rule of the Masters, and is still more completely exposed by the additional experience supplied since the Chief Clerks have been allowed to assume almost all the jurisdiction of their predecessors. The Judges have not time to maintain an effective control over the action of their Chief Clerks. A hearing before a Judge in Chambers is necessarily either too hurried for deliberation, or else is split up into so many little snatches of argument—scattered at intervals, it may be, over many months—as to deprive the judgment of all the weight that would otherwise belong to it. If, on the other hand, every case that required judicial investigation were adjourned into Court, the practice of employing Chief Clerks to do Judges' work would be found conducive to anything rather than despatch. Of course it is no fault of the Judges that this is so. They cannot be in two places at once, and so long as they are fully employed day after day upon the Bench, it is impossible that they should give more than a few hours, stolen from what ought to be their leisure, to the revision of the scarcely less important work which is now thrown upon inferior officers.

The true remedy for the difficulty is obvious enough. When clerks' work accumulates beyond the strength of an office, it is quite right to appoint more clerks; but when judicial work increases beyond the power of the Bench, the only rational course is to appoint more Judges, and not to delegate the highest functions to subordinate officers, however able. The business of the Court of Chancery is now perhaps twice as great as it was before 1852, and the recognised judicial strength is less by the abolition of the office of Master, without any increase in the number of Judges. This fact alone conclusively proves, what practising barristers know only too well, that the semi-judicial duties of the Masters have been transferred for the most part, not to the Judge as the Legislature intended, but to officers whose duties were meant to be strictly limited to the ministerial and administrative work which had formerly been done by the Masters' clerks. There is always a feeling—by no means an unwholesome feeling—against any increase of the Bench, especially of the Equity Bench, which is not absolutely essential; but unless the numbers of the Vice-Chancellors are increased sufficiently to enable them to perform the duties which they are now compelled to delegate, very much of the advantage which has been derived from the reforms of 1852 must inevitably be lost, and those statutes may come to be remembered only as Acts which perpetuated a judicial office which they were meant to abolish, and lowered the standard to which its occupants were expected to attain. The Bill now before Parliament is a fatal step in a retrograde path which has been already followed to a pernicious extent, and we trust that the Legislature will pause before doing any more to neutralize the well-considered and beneficial legislation which has done so much to remove the opprobrium that once justly attached to the Court of Chancery. If, in addition to this, Parliament would increase the number of Judges sufficiently to enable them to undertake all the work of a judicial character which is now thrown upon their clerks, it would prevent the recurrence of the old vice of delay, and at the same time avoid the mischief which the abolition of the Master's office was intended to cure. More clerk power is about the worst possible way of supplementing a deficiency of judicial strength.

MISTAKES IN CHARACTER

THERE can be no doubt that a great many of the actions which we take to be infallible signs of the character of the person who does them are, in fact, not infallible at all. This is only another way of putting a truth which few people would care to deny, that few characters are entirely consistent and complete in all their parts. Wise people have weak places, and foolish people have often acuteness enough to feign one or two of the superficial airs and attributes of wisdom. De Retz instantly marked Chigi as having a small mind, from the moment that he told him that he had written with the same pen for three years, and that it was a capital pen still. This proved a sagacious judgment. When Chigi became Pope, it was truly said of him that he was *maximus in minimis* and *minimus in maximis*, just the kind of person who would have a conceit about his pen. Still the mere fact on which

De Retz founded a judgment which circumstances afterwards justified was not in itself a perfectly adequate basis for such a judgment. A man might amuse himself by taking excessive care of his pen, and might find sincere satisfaction in the thought that the pen had lasted for three years, and still was a good pen, without necessarily being a trifle and an ass. We continually find that men of subtle and vigorous intellects, constantly exercised in important affairs, delight in being able to think or talk about small things, and have an interest in what to prigs and pedants appear disgustingly frivolous concerns. It is not always very pleasant to meet a great man in one of these leisure moments. We expect some outward and visible sign of his greatness, that he will talk well, and say fine things, and disclose to us all that lies next his heart. We forget that he has been thinking or writing fine things all day, and that he has had quite enough of what lies next his heart to be only too happy to forget it for a while. The poet is only too glad to escape from the ideas which have mastered him for hours and days and weeks. The philosopher who has been the slave of his books and his trains of thought is charmed to mix with people who don't read and don't know exactly what a train of thought means. The statesman who has been busied in affairs and despatches and squabbles among his colleagues, and so forth, thinks himself in Paradise when he can expatiate upon horses or crops or the Opera. Persons who do not know what it is to have an urgent and serious interest in their minds are extremely vexed and disappointed when they find a prominent man unwilling to exhaust himself by "tumbling" for their pleasure and behoof. They are very often ready to vow that his prominence is altogether unmerited, and that, in spite of everything to the contrary, he is at bottom a thoroughly poor creature. It is certainly true that a man may attain prominence by virtue of charlatanism, and therefore these exacting persons may now and then be right in their disparagement of people with a reputation. But it is a violent mistake to assume that a man is beneath his reputation just because he declines to show off or talk up to it, whenever anybody chooses to try to wind him up, as though he were some cunningly-constructed machine. Talleyrand was as judicious as usual when he replied to the impertinent visitor who wanted to involve him in a conversation upon affairs of State, "Pardon me, sir; I never talk about what I understand." Wise men often follow his example. It is to be deplored that it does not become more general. Society would be ever so much more enjoyable if people would not insist upon airing their specialities; and, as a rule, a man with sincere respect for his own speciality, and honest knowledge of it, is the last person in the world to thrust it upon those who are not competent to understand or to measure it. He is much more willing to discourse upon his pen, like Cardinal Chigi, or his ink-pot, or the kind of paper which he uses, than upon the ideas which these are the humble instruments of fixing and conveying to the public. Anybody can understand and appreciate the qualities of a pen which has proved a good and serviceable pen for three whole years. Provided the owner of such an implement does not carry his demand for our enthusiasm on the subject too far, he could not choose a better kind of subject for light conversation after a day's work. It is rank ingratitude to mark such a man out as having a small mind.

By very solemn people it is thought an extremely unworthy thing to have favourite animals. A man or a woman who cares for a dog or a cat, and who does not disguise the attachment, passes in certain sorts of circles for a wofully light-minded person. How can anybody, they ask, who sees the overwhelming seriousness of life endure to devote a single grave thought to a mere brute, or to find an atom of pleasure in the creature? But here again it is possible that a very humane and sympathizing person may have pets, just for the same reason which makes a studious person more ready to chat about his pen than its products. One requires reliefs and contrasts. If a lady has spent the afternoon in visiting paupers and squalid wretches, she needs to have another sort of picture in the evening; and if the contemplation of a dog curled up on the hearthrug supplies this solace, why should she be thought the worse of on that account? Yet people are so hasty in thinking ill of a neighbour's character, that the sight of the comfortable dog fills them with righteous indignation and contempt. They declare that the brute's owner is heartless and selfish, and indifferent to the grave facts of life, as though the existence of misery were the strongest possible reason for our absolute refusal to be happy. One may be very fond of a brute without being either indolent or indifferent, or anything else that is bad. Erskine was not idle, and he was not incapable of the warmest interest in public things, simply because he had a vessel full of pet leeches, on which every evening after dinner he was wont to lavish his endearments and caresses. And, after all, a sage dog or decorous cat is a much more creditable and profitable companion than many kinds of human beings—than a peevish, narrow-souled woman, for example. A man is much more to be envied and respected for possessing the one than the other. There is a false notion current that a highly social temperament is also a highly benevolent temperament, and that if a man likes the society of human beings he is sure to be solicitous for their interests. Nothing could be more mistaken. It is constantly the case that a man who rather shuns the haunts of his kind, and has a leech or a tortoise or a dog for his most habitual companion, cares a great deal more for the public wellbeing, and would do a great deal more in the way

of personal sacrifice to promote it, than the airy popular being who is never happy except when he is in the company of a troop of other people.

A frequent source of misjudgment of character is an intolerance of paradox. We declare a man to be a fool if he says things which sound absurd or perverse, without taking the trouble to think whether he means himself to be taken to the very letter of what he says. In England, where we are a sober and rather stolid race in many things, this injustice is too prevalent. And it does us a good deal of harm. In a certain quantity paradox is an invaluable element in intellectual life. It places a truth or a falsehood before the mind in a dress which vividly attracts our attention. If a man believes his own paradoxes, he may be either a person of extraordinary genius and insight, or a shallow fool. Probably he is the latter, because, without reason shown to the contrary, we are justified in assuming of anybody that he or she belongs to the majority. As a rule, however, he who has the wit to propound a paradox has also wit enough to keep him from believing that it contains all that need be said on the matter to which it relates. Those who are habitually paradoxical are bores, because immoderate addiction to this mode of stating things is almost always affectation, and not the expression of a genuine, if temporary, mode of looking at things. The main object in the world is to keep people's minds alive and awake, and to effect this nothing is more potent than to offer them a statement which frots their common sense. Thus to irritate and stir up common sense is the characteristic of a paradox. It stimulates people at first to vehement antagonism, but unless they are over a hundred, and past all possibility of movement, it prevents them from falling contentedly and confidently back into their old attitude. It is an obvious error, therefore, to discourage this peculiar turn of mind by identifying it with mere brainless perversity and wrongheadedness. The man whom you deem perverse and crotchety very likely thinks much as you think, only his thoughts present themselves to him in a more quaint form, with a variety of side lights upon them, which in your own mind either nature or training has blocked up. It does not follow that because a man is thus able to change his point of view, and to shed light upon his subject from many angles, therefore he sees everything crooked and distorted. Just the reverse, in fact. The more points of view he can command the better, and the more useful he is to persons whose vision is narrower than his own happens to be.

One of the most grievous confusions of thought in our estimates of character is to mistake exactness for hardness. Anybody who insists on precision, punctuality, order, and upon the rigid recognition of facts, is inevitably set down by nine out of ten acquaintances as of a cold, hard, selfish nature. Unless a man is a little weak and a little blind, men will not have it that his character has a single pliant or tender fibre in it. It is so profoundly distasteful to the weak people—that is, to most people—to be brought into contact with a strong person who knows what he is aiming at, and keeps a cool eye upon the means by which he is to reach it, that no experience to the contrary to convince them that a man may be firm, resolute, punctual, indefatigably industrious, a shade exacting, and yet overflowing with the milk of human kindness, and always ready to bestow generously with his left hand all that he has sedulously reaped by the toil of his right. It is not certain that the base emotion of envy does not enter largely into this confusion of a collection of most useful virtues with a very odious vice. If you find that a man is making irresistible way by his steadfastness, it is some comfort to a manner nature to believe, or pretend to believe, that this steadfastness is the product of a horrid congelation of all the finer and wider sympathies. Of course, where envy comes in, the confusion between singleness of purpose and hardness of heart is something much more malignant than a mere blunder of observation. But, apart from this vile intruder, men are too willing to believe that a cool head usually implies a cold heart. It is a superstition. There is no *a priori* reason why we should expect the one to accompany the other, and all observation goes to show that the one does not as a matter of fact always accompany the other. Still the prejudice remains. The purposeless are apt to quake in the face of the man who has a purpose, who knows clearly what it is, and steadily does his best to carry it out to the end. This quaking makes them willing to think that there must be something sinister in the person who is the occasion of it. If such a conviction does anything to console them for their alarms, perhaps the cool-headed ones will not grudge it them. Still, all false measurements of this sort are worth avoiding. It is not of very much importance to a stoic whether people judge him rightly or wrongly. But, as we live in a world with others, it is of importance to a man not to carry his stoicism too far. If he does, he is pretty sure to end by enjoying the mistakes which his neighbours make about him, and encouraging them. And this is a form of affectation which is sure to engender a very hurtful amount of self-consciousness—the mental condition which is about the most hurtful to good work that is possible to the human mind.

TRAVELLING COMPANIONS.

THE time of year is fast approaching when many of us are called upon to make a momentous choice which requires nearly, if not quite, as much deliberation as the choice of a wife. Probably, of the two, the choice of a travelling companion is the

more difficult. In the selection of a partner for life nature comes in and helps us to make up our mind; passion speaks, if reason is silent; we gratify a caprice, even if the caprice is destined to be short-lived; and though matrimony is a risk, at all events it is a pleasant leap in the dark which men and women take with their eyes open. The selection of a travelling companion is equally a leap in the dark. But it is unaccompanied with the delightful flutter and illusion which comes to most people once at least in their lives, and the brief enjoyment of which makes up for all subsequent disappointment. A travelling partnership is marriage without a honeymoon. There are no Arcadian dreams about it. The vows exchanged over a Continental *Bradshaw* are of the dullest and most prosy kind—to frequent the same railway carriage; to be faithful to the same *table d'hôte*; to hold fast to one *Murray*; to keep a common purse; and not to part company for the space of six weeks. Yet every one who has tried it is aware of the solemn nature of such an obligation, and that it is not to be lightly undertaken. Novelists tell us that no misery is as great as that which attends the discovery, shortly after marriage, that we are yoked to a companion for life whom we have ceased to admire. Yet one misery is perhaps nearly as acute. It is the discovery, after a man has crossed the Channel, that he abhors his travelling companion. The deadly gloom of the conviction that five weeks and six days more have to be passed side by side with a being whom we have learnt in twenty-four hours to hate is unsurpassed by any sensation common to mankind. After all, married people can separate. A British Court of Justice, with Sir James Wilde at its head, has been established for the purpose of enabling them to do so. But travelling companions have no possibility of severing the fatal knot. What is wanted is a kind of Divorce Court at the Paris Embassy, where British travellers after a little wholesome experience of each other might repair to sort themselves afresh, and to dissolve easily, and without dishonour or discourtesy, the mutual compact which they wish in their souls they never had made. Even in countries where divorce is unknown, married people are allowed the solace of occasional matrimonial infidelity. The travelling companion has not this alleviating resource. The customs of society compel him to stand by his distasteful bargain. He is tied as firmly to his mate as Maseppa was to his awful horse, and must make up his mind to be dragged over Europe at full speed in close contact with a brute. Such an obligation, as we have already said, ought not to be assumed thoughtlessly, and now that summer is beginning to wane, and the travellers' Valentine day is at hand, it is desirable that Englishmen should be warned to pause and look about them before they take an irrevocable plunge which may involve them in two months of worry and disappointment.

The first difficulty in selecting a travelling companion is to know whether it is better, on the whole, to take a man whom one likes, or a man to whom one is wholly and absolutely indifferent. The balance of reasoning seems to be on the side of a *mariage de convenance* in preference to a travelling partnership of affection. To be guided by sentiment at such a moment is a dangerous thing. As most friendships lose their bloom and freshness under the trying ordeal of a Continental tour, it is doubtful whether a wise man can afford to run the chance of forfeiting a friend in the space of a brief holiday. No doubt there are rare instances in which mutual affection survives the test. Sometimes Pythias and Damon manage to return from the Tyrol or from Jerusalem as devoted to each other as when they started from Charing-Cross; for there are travelling companionships which, like marriages, may be said to be made in Heaven. But, saving the case of these golden exceptions, it often happens that Pythias and Damon come back oppressed with the unpleasant consciousness that they have lost the power of being charming any longer in each other's eyes. Wherever they next meet, it is with a secret sense of having been found out. Pythias never can forget how peevish he showed himself the night they slept together at the Granda Mulets, or how thoroughly he lost his temper on a camel in the Desert. It is no use anymore to go about among his and Damon's common acquaintances in the old character of an agreeable and entertaining man. Damon has not only ceased to be a friend, but has become a sort of skeleton in the closet, who could unmask, if he chose, in a moment, all such genial imposture. We are positively at the mercy of a shrug of Damon's shoulders, or a sentence in Damon's diary. The sufferer's very familiarity with the partner of his travels has been his ruin. With another man he might have been more reticent, or more self-contained, and less fretful. As it is, he has turned himself inside out, and never again can hope to impose on those who have known him so thoroughly. This is a terrible end of travelling with friends, and when he thinks of it he devoutly wishes he had never travelled about the world with anybody except his bitterest foes. His fate ought to be a warning to all who are about to travel. When we consider the possibilities of such a catastrophe happening to ourselves, perhaps the first golden maxim to be laid down, for any Cælebs who is in search of a travelling companion for six weeks, is to be sure and not take with him the friend or acquaintance of his bosom.

The disadvantages, on the other hand, of choosing as a travelling companion a man of whom one knows too little are formidable. In the course of companionship for six weeks men are thrown into very close contact. Every little foible in the companion of our choice comes out into violent relief before many miles are passed, and at the end of a week has become entirely unbearable.

Perhaps, for example, the companion has a turn for whistling, of which he is rather proud. It is possible for a person of phlegmatic disposition to travel with equanimity for a day or two with a whistling genius, and, by abstracting his mind as far as possible from his comrade, to live the whistling down. It appears churlish and ridiculous to be put out by such a trifle. But after forty-eight hours the whistling begins to tell, and ends by inflicting excruciating agony. What is to be done? It requires much moral courage boldly to remonstrate with the innocent and smiling offender, who is totally unconscious of his sin. It is far easier to say nothing, and to vent one's dislike of whistling by hating the whistler with a deadly and suppressed hatred. And the hatred thus begun grows before very long to a white heat. Everything the whistler does only serves to fan the flame. Once awakened to a sense of his imperfections, we go on in a condition of internal fury to criticize all his other performances, and to wish him hourly at the bottom of the British Channel. Whistling, we soon perceive, is only the first item in a chapter of atrocities, which we might never perhaps have thought of observing if it had not been for the confounded tunes which have wearied our patient soul. At the end of a heavy day, a traveller's temper is not at the best of times a thing to be trifled with, and is easily moved to ferocious antipathies against those about him. The wretched whistler, who at the beginning of the morning was only a bore, at the close of the evening appears an incarnate fiend. Not only does he whistle like a demon, but we observe with pain that, when he is hungry, he eats like a horse and drinks like a bargee. Nothing is so observant as dislike. As soon as we are dissatisfied with the unlucky partner of our journey, our eyes are opened to the weak side of everything he does. His voice seems twice as loud and harsh as when we started. We burn to revenge on him the way he airs his French to the waiters, we hate him in his rising up and in his sitting down, and it is difficult to say whether we most detest and despise his adfability to the men, or his gallantry to the women, who cross his path. There are no doubt a few moments of pleasure and enjoyment to be derived from the tour. These are when we have safely got rid of his society for a couple of hours. No sense of delight is so exquisite as that which a man experiences—who has worked himself into a state of bitter animosity towards a travelling companion—when the travelling companion is safely off on a visit to the top of some neighbouring tower or cathedral, and we can give ourselves up to the ineffable luxury of being alone. It may appear a cynical observation, but perhaps the only real pleasure of travelling with another is the intense sensation of enjoyment at those rare intervals when he has set out for a day's recreation by himself. This is one of the freshest and keenest luxuries of life, and makes up for a good deal of the bitter which has necessarily preceded it. People who have never felt it may realize to themselves what it is like by the somewhat similar sensation of emerging from a London drum into the cool air, in company with a cigar. Everybody admits that it is worth going to a drum, in order to taste the rapturous sensation of getting away from it. In the same way it is worth travelling with a travelling companion, in order to experience the thrilling delight of getting rid of him.

It is to be remembered that one of the features in marriage which make the institution possible is absent from the parallel institution of travelling companionships. The interests of husband and wife never clash. They are not brought into social or personal competition with one another. The husband's little triumphs are the wife's little triumphs too. If the one talks well, the other is not thrown into the shade; and the spheres in which they move respectively do not clash in any way. It would not be possible for two beings to live in such close and unrestricted intercourse if one was not a man, and the other a woman. Travelling companions, to get on permanently together, ought certainly to be of different sexes. As long as the conventionalities of life forbid this convenient arrangement, so long will travelling partnerships be an imperfect and faulty system. A man is not offended by a woman's personal vanities, her endeavours to make herself agreeable to those about her, and her display of what may be called her personal individuality. Such things do not affect or interfere with him, and if he notices them at all, it is rather with a sense of amusement than of annoyance. That this toleration is the result of diversity of sex is plain from the fact that women, amongst themselves, are not so patient of each other's foibles. Travelling companions are fully as restless and dissatisfied as women are, and for precisely the same reason. They see through each other's disguises, and are irritated, and not amused, at watching each other's personal individuality in full play. To see the man who was so petulant and selfish over-night ventilating his good manners to a stranger in the railway train the next morning, showing off a learning which a fortnight's intercourse has taught us is superficial, or parading fashionable friends in whom we have learnt to disbelieve, is a sight that worries any travelling companion far more than is reasonable. His prominent personality is in itself a torture and an infliction. Few men can really bear it long, and those that can are the salt of the earth, and the most amiable of their species. At such moments it is that we begin to regret that we did not at any rate select for our companion a friend on whose qualities we could depend. If to travel with a friend is dangerous, to travel with a mere acquaintance is usually a weariness of soul. In view of either alternative philosophy and experience teach us that to travel alone is best. To those about to select a travelling companion it may be

that the best advice to give is *Punch's* advice to those about to marry.

After all, it is not easy to see what end is served by travelling companions at all. The institution is invented apparently for the sake of providing against occasional ennui. And ennui is not an agreeable thing. A solitary evening spent at a provincial inn makes a man feel at times that he is, after all, designed by Providence to be a gregarious animal. But in these days of locomotion the chance of being over lonely is not a very serious one. Some enthusiasts of a sentimental turn are occasionally heard, it is true, to declare that they cannot enjoy nature unless they have somebody at hand to enjoy it with them. The argument would no doubt be worth attending to if such enthusiasts were not the most deadly travelling companions of all. A worldly, or a talkative, or a whistling travelling companion is a social plague. But worst of all is a sentimental travelling companion. Sentiment is a very nice thing in good-looking young ladies; but sentiment in a travelling tourist is an unspeakable misfortune for the tourist's colleagues. On the whole, the sound conclusion seems to be that man, though a sociable being, is not designed to be sociable when he is on a journey. Male human beings travel best alone. The man who comes back from his solitary tour may or may not have made new friends, but at all events he can boast that he has made no new enemies.

COSTUME AND ITS MORALS.

NOTHING is more decisively indicative of the real value or necessity of a thing than the fact that, while its presence is hardly noticeable, it is immediately missed and asked for when it disappears; and it is thus that the paramount importance of clothing asserts itself by the conspicuousness of its absence. Of course the first purpose of dress is, or should be, decency, and, for this, quantity rather than quality is looked for. But, as with the little cloud no larger than a man's hand, so from the primary fig-leaf or first element of dress, how great things have arisen! In respect of amplification, dress may be said to have attained its maximum when men wore ruffs which nearly concealed their heads, and shoes a quarter of a yard longer than their feet; but "fashion" has its day, and now dress threatens to dwindle into something not far from its original or fig-leaf dimensions. Another perfectly legitimate object of dress is attractiveness, so that by its aid our persons may be set off to the best advantage; dress should also be individual and symbolic, so as to indicate clearly the position and character which we desire to obtain and hold. It is not of men's attire that we have now to speak; that has been settled for them by the tailors' strike, which practically ordained that he that was shabby should be shabby, or even shabbier still, and he that had allowed himself to be thrust into the straitened trousers and scanty coatee of last year should continue to exhibit his proportions long after the grotesqueness of his figure had been recognised even by himself. But it is of the dress of our women that we are compelled to testify, and it can hardly be denied that at the present moment it offends grievously in three particulars. It is inadequate for decency; it lacks that truthfulness which is, and should be, the base of all that is attractive and beautiful; and in its symbolism it is in the highest degree objectionable, for it not only aims at what is unreal and false, but it simulates that which is positively hateful and meretricious, so that it is difficult now for even a practised eye to distinguish the high-born maiden or matron of Belgravia from the Anonymas who haunt the drive and fill our streets.

This indictment is, it may be said, a severe one; but if we examine, so far as male critics may venture to do, the costume of a fashionable woman of the day, it can hardly be said to be unjust. The apparent object of modern female dress is to assimilate its wearers as nearly as possible in appearance to women of a certain class—the class to which it was formerly hardly practicable to allude, and yet be intelligible to young ladies; but all that is changed, and the habits and customs of the women of the *demi-monde* are now studied as if they were indeed curious, but exceptionally admirable also, and thus a study unseemly and unprofitable has begotten a spirit of imitation which has achieved a degrading success. "Our modest matrons meet," not "to stare the strumpet down," but to compare notes, to get hints, and to engage in a kind of friendly rivalry—in short, to pay that homage to Vice, and in a very direct way too, which Vice is said formerly to have paid to Virtue. Paint and powder are of course the first requisites for the end in view, and these adjuncts have to be laid on with such skill as the *débutante* or her toilette-maid possesses, which is sometimes so small as to leave their handiwork disgustingly coarse and apparent. There are pearl-powder, violet-powder, rouge, bistre for the eyelids, bella donna for the eyes, whitelead and blacklead, yellow dye and mineral acids for the hair—all tending to the utter destruction of both hair and skin. The effect of this "diaphanous" complexion and "aurified" hair (we borrow the expressions) in a person intended by nature to be dark, or swarthy, is most comical; sometimes the whitelead is used so unsparingly that it has quite a blue tint, which glistens until the face looks more like a death's head anointed with phosphorus and oil for theatrical purposes than the head of a Christian gentlewoman. It may be interesting to know, and we have the information from high, because *soci-disant* fashionable authority, that the reign of golden locks and blue-white visages is drawing to a close, and that it is to be followed by bronze complexion and blue-black hair—à l'Africaine we presume. When fashionable Madame has, to her own

satisfaction, painted and varnished her face, she then proceeds, like Jezebel, to tire her head, and, whether she has much hair or little, she fixes on to the back of it a huge nest of coarse hair generally well baked in order to free it from the parasites with which it abounded when it first adorned the person of some Russian or North German peasant girl. Of course this gives an unnaturally large and heavy appearance to the cerebellar region; but nature is not exactly what is aimed at, still less refinement. If this style be not approved of, there is yet another fashion—namely, to cut the hair short in a crop, *créper* it, curl it, frizzle it, bleach it, burn it, and otherwise torture it until it has about as much life in it as last year's hay; and then to shampoo it, rumple it, and tousle it, until the effect is to produce the aspect of a madwoman in one of her worst fits. This method, less troublesome and costly than the other, may be considered even more striking, so that it is largely adopted by a number of persons who are rather disreputable, and poor. As is well known, not all of the asinine tribe wear asses' ears; nevertheless some of these votaries of dress find their ears too long, or too large, or ill-placed, or, what comes to the same thing, inconveniently placed, but a prettier or better-shaped pair are easily purchased, admirably moulded in gutta-percha or some other plastic material; they are delicately coloured, fitted up with earrings and a spring apparatus, and they are then adjusted on to the head, the despised natural ears being of course carefully hidden from view. It is long enough since a bonnet meant shelter to the face or protection to the head; that fragment of a bonnet which at present represents the head gear, and which was some years ago worn on the back of the head and nape of the neck, is now poised on the front, and ornamented with birds, portions of beasts, reptiles, and insects. We have seen a bonnet composed of a rose and a couple of feathers, another of two or three butterflies or as many beads and a bit of lace, and a third represented by five green leaves joined at the stalks. A white or spotted veil is thrown over the visage, in order that the adjuncts that properly belong to the theatre may not be immediately detected in the glare of daylight; and thus, with diaphanous tinted face, large painted eyes, and stereotyped smile, the lady goes forth looking much more as if she had stepped out of the green room of a theatre, or from a Haymarket saloon, than from an English home. But it is in evening costume that our women have reached the minimum of dress and the maximum of brass. We remember a venerable old lady whose ideas of decorum were such that in her speech all above the foot was ankle, and all below the chin was chest; but now the female bosom is less the subject of a revelation than the feature of an exposition, and charms that were once reserved are now made the common property of every looker on. A costume which has been described as consisting of a smock, a waistband, and a frill seems to exceed the bounds of honest liberality, and resembles most perhaps the attire mentioned by Rabelais, "nothing before and nothing behind, with sleeves of the same." Not very long ago two gentlemen were standing together at the Opera. "Did you ever see anything like that?" inquired one, with a significant glance, directing the eyes of his companion to the uncovered bust of a lady immediately below. "Not since I was weaned," was the suggestive reply. We are not aware whether the speaker was consciously or unconsciously reproducing a well-known archiepiscopal *mot*. Though our neighbours are not strait-laced, so far as bathing-costume is concerned, they are less tolerant of the nude than we are in this highly-favoured land. There was lately a story in one of the French papers that at a certain ball a lady was requested to leave the room because a chain of wrought gold, suspended from shoulder to shoulder, was the sole protection which it seemed to her well to wear on her bosom. To have made the toilette correspond throughout, the dress should have consisted of a crinoline skirt, which, though not so ornamental, would have been not less admirable and more effective. Of course there are women to whom nature has been niggardly in the matter of roundness of form, but even these need not despair; if they cannot show their own busts, they can show something nearly as good, since we read the following, which we forbear to translate:—"Autre excentricité. C'est l'invention des *poitrines adhérentes* à l'usage des dames trop éthérées. Il s'agit d'un système en caoutchouc rose, qui s'adapte à la place vide comme une ventouse à la peau, et qui suit les mouvements de la respiration avec une précision mathématique et parfaite."

Of those limbs which it is still forbidden to expose absolutely, the form and contour can at least be put in relief by insisting on the skirts being gored and straightened to the utmost; indeed, some of the riding-habits we have seen worn are in this respect so contrived that, when viewed from behind, especially when the wearer is not of too fairy-like proportions, they resemble a pair of tight trousers rather than the full flowing robe which we remember as so graceful and becoming to a woman. It will be observed that the general aim of all these adventitious aids is to give an impression of earth and the fulness thereof, to appear to have a bigger cerebellum, a more sensuous development of limb, and a greater abundance of flesh than can be either natural or true; but we are almost at a loss how to express the next point of ambition with which the female mind has become inspired. The women who are not as those who love their lords wish to be—indeed, as we have heard, those who have no lords of their own to love—have conceived the notion that, by simulating an "interesting condition" (we select the phrase accepted as the most delicate), they will add to their attractions; and for this purpose an article of toilet—an india-rubber anterior bustle—called the *demi-tempé*

has been invented, and is worn beneath the dress, nominally to make the folds fall properly, but in reality, as the name betrays, to give the appearance of a woman advanced in pregnancy. No person will be found to say that the particular condition, when real, is unseemly or ridiculous. What it is when assumed, and for such a purpose—whether it is not all that and something worse—we leave our readers to decide for themselves. It is said that one distinguished personage first employed crinoline in order to render more graceful her appearance while in this situation; but these ladies with their ridiculous *demi-temps*, without excuse as without shame, travesty nature in their own persons in a way which a low-comedy actress would be ashamed to do in a tenth-rate theatre. The name is French, let us hope the idea is also; and this reminds us of the title of a little piece lately played in Paris by amateurs for some charitable purpose—*Il n'y a plus d'enfants*. No; in France they may indeed say, "It is true *il n'y a plus d'enfants*, but then have we not invented the *demi-temps*?" And if each separate point of female attire and decoration is a sham, so the whole is often a deception and a fraud. It is not true that by taking thought one cannot add a cubit to one's stature, for ladies, by taking thought about it, do add, if not a cubit, at least considerably, to their height, which, like almost everything about them, is often unreal. With high heels, *toupé*, and hat, we may calculate that about four or five inches are altogether borrowed for the occasion. Thus it comes to be a grave matter of doubt, when a man marries, how much is real of the woman who has become his wife, or how much of her is her own only in the sense that she has bought, and possibly may have paid for, it. To use the words of an old writer, "As with rich furred conies, their cases are far better than their bodies; and, like the bark of a cinnamon-tree, which is dearer than the whole bulk, their outward accoutrements are far more precious than their inward endowments." Of the wife elect, her bones, her debts, and her caprices may be the only realities which she can bestow on her husband. All the rest—hair, teeth, complexion, ears, bosom, figure, including the *demi-temps*—are like an imposition and a falsehood. In such case we should recommend, for the sake of both parties, that during at least the wedding tour, the same precautions should be observed as when Louis XV. travelled with "the unblushing Chateauroux with her handboxes and rougepots at his side, so that at every new station a wooden gallery had to be run up between their lodgings."

It may be said that in all this we are ungenerous and ungrateful, and that in discussing the costume of women we are touching on a question which pertains to women more than to men. But is that so? Are we not by thus exposing what is false, filthy, and meretricious, seeking to lead what was once dignified by the name of "the fair sex" from a course alike unbecoming and undignified to one more worthy of the sex and its attributes? Most men like to please women, and most women like to please men. For, as has been well said, "Pour plaire aux femmes il faut être considéré des hommes, et pour être considéré des hommes il faut savoir plaire aux femmes." We have a right to suppose that women do not adopt a fashion or a costume unless they suppose that it will add to their attractions in general, and possibly also please men in particular. This being so, it may be well to observe that these fashions do not please or attract men, for we know they are but the inventions of some vulgar, selfish *perruquier* or *modiste*. We may add that if we want to study the nude we can do so in the sculpture galleries, or among the *Tableaux Vivants*, at our ease; and that for well-bred or well-educated and well-born women, or even for only fashionable and fast women, to approximate in their manners, habits, and dress to the members of the *demi-monde* is a mistake, and a grievous one, if they wish to be really and adequately appreciated by men whose good opinion, if not more, they would desire to possess.

SECOND REPORT ON TRADES' UNIONS.

MANY of the salient points of the Commissioners' Reports have already found their way into the public journals. It becomes, therefore, difficult to make selections calculated to keep alive the public curiosity, fatigued as it has been by the monotony of the disclosures made. There is much in the First Report which ought to be known, and which will afford matter for mature reflection to the admirers of the working-man and of trade associations. To those who suffer under the sad belief that the "sons of toil" in England are the oppressed victims of despotic capital, we commend both the Reports of the Commissioners. Meanwhile we proceed to cull from the pages of the Second Report certain extracts which owe their attractiveness to the fact of their being the most recently published rather than the most startling in their details.

Mr. Mault's evidence is very valuable. It shows in the clearest possible way that the Unions have succeeded in placing a purely arbitrary value upon labour, and that in raising the rate of wages they do not proceed on any just and equitable principle, but simply on an estimate of their own power to enforce whatever they like to ask. The facts detailed by Mr. Mault go considerably beyond what might have been anticipated even by professed enemies of the Unions. Not only do they prove the great power necessarily possessed by secret associations, but they also show an irresponsible and reckless arbitrariness in the exercise of that power. Perusing the stories which Mr. Mault recounts of the acts which the operatives have perpetrated at different times, we are equally amazed at

the sheer wantonness of their intolerance and at the tame submission of their victims. It is incredible that many of the proceedings detailed are not utterly illegal and punishable. That their authors are not prosecuted can only be attributed to the fear which organized associations seem always to inspire in individuals uncombined and unallied. Had one-half of the resolution and obstinacy displayed by the men been exhibited by the masters, the former must have yielded. But the strategy of secret societies, the adroit selection of good opportunities for separate assault, the knowledge of each master's engagements and contracts, all gave the men advantages to which no equivalent existed on the side of the masters. Taken singly, and just when they were least capable of resistance, the masters either yielded at once or struggled ineffectively. The following are among the leading cases brought forward by Mr. Mault:—A builder, pressed by a person for whom he was putting up a shop front, to hurry on the work, which had been suspended through the absence of the bricklayers, entrusts a portion of it to a mason, who was as well qualified to do it as a bricklayer. On this he receives a note from the Operative Bricklayers' Association, informing him that he had been fined 5*l.*, which he must pay before any other men could be allowed to work for him. Another instance proves the utter want of conscientiousness encouraged by these societies. A foreman left his men working on a winter afternoon. When he returned after a little time, he found them talking and smoking, and remonstrated with them on the unfairness of not working so long as the light would allow them. The foreman's conduct was brought before the Committee of the Club. He was fined 15*s.*; and his son, a bricklayer working under him, was fined 5*s.* for backing up his father in what he had said. Again, take this instance. A contractor using bricks to which exception was taken by the inspector of works has to procure fresh bricks. As this is likely to occupy some days, he warns his men to look out for other employment till the new bricks come. On these being brought, the men set to work again, continue at it for a week, and then demand payment for the three days during which they had remained idle. More time was now lost in negotiations. And the men struck work till they had been paid for the time during which they had done nothing except wrangle about their rights. The next instance is more striking. A labourer in the employ of a bricklayer was seen to wedge up a lintel with some pieces of slate and afterwards point the same, which occupied about four minutes. The Bricklayers' Union fined him 40*s.* and the expenses of the meeting called to judge him, but mercifully commuted the fine to 10*s.* Another case is not more remarkable for the effrontery of the men than for the pluck of the master. The masons employed by a contractor at Congleton had succeeded in getting their wages advanced from 4*s.* to 5*s.* a day within four months. While he was engaged on a contract they came and demanded more. He refused, saying that his contract was a losing contract, and that he could not afford to pay more. In consequence, all his masons, except five, left him. A picket was set on the premises, and he could not procure fresh workmen. He therefore transferred all his stonework contract to a master mason, who agreed to keep on the five men who had remained with him. "A few days after, some of the men who had left him on account of his not raising their wages called upon him, and said it was against the principles of their Union that this work should be done by sub-contract, and he must break it, or they must 'shelve' him" (i.e. prevent his engaging labourers). The contractor thus threatened—Mr. Birkett—refused to be dictated to. The threat was repeated. He was told that, unless he annulled this sub-contract, his work at Wolverhampton and elsewhere should be struck, and that he should be "shelved" for one, two, or three years, according to the decree of the Central Committee. He remained firm. Having been brought up as a mason, he took his coat off and began to set the stone himself. He was then ordered to desist from working, and to discharge the five faithful men, on pain of being "shelved." He took no more notice of this than of preceding threats, and was rewarded for his firmness. For, after a time, the interference ceased, and he did just as he liked. A more extraordinary case of impudence than the following can hardly be imagined:—A master-builder had a freehold property, a portion of which he sold to another builder. The latter soon afterwards failed, and passed through the Bankruptcy Court. Among his creditors were his bricklayers, to whom he owed altogether 18*l.* The dividend awarded to them fell short of this. But the bricklayers refused to accept it, saying that they would have the whole of the debt, and if they could not get it from the man who owed it, they would get it from somebody else; and they actually called on the vendor of the land to pay them the debt of the vendee, which he, of course, declined to do. The next afternoon the delegates were sent round to all the land in which he had any interest, and to all contracts he had on land belonging to other people, and all the bricklayers "at the beck of the delegates, wiped their trowels and left their work, not knowing why, but that the delegates had so ordered them." As the society forbade any builder to use bricks of his manufacture, and any man to engage with him for hire, this contractor was put to great inconvenience, but he does not appear to have been absolutely ruined.

Strange as this instance of unreasoning oppression may appear, the next is even stranger. A person in the neighbourhood of Liverpool sold a piece of building ground to a Mr. Hughes, of Birkenhead, a builder, and agreed to pay him certain advances of

money during the erection of seven houses, which advances were to be repaid in a twelvemonth. Mr. Hughes left the houses unfinished. After waiting twelve months, and losing the interest of 250*l.*, the vendor resumed possession of the land and the unfinished houses, and resold them to a Mr. Haines. On Haines's taking possession notice was given him by the Bricklayers' Union that those houses which Hughes had left should not be completed until 40*l.* was paid over to the men as wages due from Hughes. They refused to apply to Hughes himself, or to take legal steps for the recovery of the debt; and insisted that the vendor should liquidate the debt contracted by the vendee. In furtherance of this wild demand they followed every cart which took bricks from the vendor's brickfield, and stopped every building where his bricks were used. He was completely beaten. To quote his own words, "To avoid more serious losses I paid the sum thus demanded of me; and then the labourers struck work, and said they must be paid the sum of 19*l.* before the buildings should be completed. As I could not appeal to any court of justice that could protect me, I was compelled to submit, and pay also this additional sum of money." The last sentence puzzles us. How any Englishman can imagine that against threats and intimidation of this kind the laws of his country are powerless to protect him, is more than we can make out. It is simply the weakness which will not seek protection that courts and ensures such monstrous terrorism as this. Another case combines so large a proportion of downright robbery with the most shameless effrontery that we cannot resist the temptation to quote it. A plasterer, named Bland, parted with one of his men, who went to another employer named Howroyd. Next week Bland was surprised to see a number of his men march into the yard, having left their work. When he asked them the reason they could not tell him, but said there must be something wrong, or they would not have been sent for by the Club. On this, all his men were drawn out and left him. It turned out that an utterly baseless rumour had been circulated to the effect that he had asked Mr. Howroyd to dismiss the man who had gone to the latter from Bland. The upshot of it was that the men remained out for a week, which was consumed in negotiations between Bland and the Committee, who treated him with singular contumely, and finally allowed his men to return to him on condition that he consented to pay the expenses of the strike!

We could go on multiplying instances equally strange and grotesque. For the present we defer them. But two inferences are clear. One is that every case of successful conspiracy on the part of the men is due to the disunion of the masters, and to the timidity which disunion produces. The Unions do not attack the masters collectively; they are too wary for that. They take them one by one, just as each happens to be most busy, or under the most stringent obligations of a pressing contract. They know he is at their mercy, and must submit to their terms. Hence the facility with which, in a few months, labourers' wages receive an increment of 25 per cent. When they have subjugated one master they proceed to another, until all the masters of a district are at their feet, and the domination of the Unions is confirmed. Hence the normal panic of the masters, which shows itself in such weakness as taking a wretch like Crookes back into employment. If each master in turn resisted, and all combined together, there would be a temporary stagnation of work; but, when work was resumed, it would be on more equal conditions than now exist. The next inference is that the pretext for these strikes is the most arrant sham conceivable. Those who abet them say that their object is to procure the means of raising the moral and material condition of the working-man. If these sanguine enthusiasts would only take lodgings for a week in the suburbs wherein the British working-men most love to congregate, they might elaborate a pretty little equation between the enhanced receipt of wages and the increased consumption of gin. Though the wages of common labour have, in busy districts and seasons, been augmented fully 40 per cent. since 1847, we do not believe there is an improvement of one-tenth in the number or quality of the comforts which may be seen in a working-man's house. His family perhaps eat more meat, and consume more sugar; and his wife dresses better on high days; but there is no proportion between the general improvement of his condition and the large remuneration which he receives. His sobriety has not gained, as may be seen from his Monday seediness. His honesty has not improved, for it is his principle not to give a full day's work for a full day's wage; nor is his self-respect, for insolence is the sign, not of a man who respects himself more than anybody else, but of a man who respects nothing at all; and self-respect is incompatible with the abject servility which he evinces towards his Union, and the equally abject abnegation of individual will, ambition, and proficiency.

This article would be extended to too great a length did we proceed to a thorough examination of the valuable evidence given by the American witness, Mr. Hewitt. There are, however, two points in connexion with this evidence to which we are anxious to direct attention. One is his inadequate estimate of the difference in the purchasing powers of the English and the American artisan's wages respectively. When we consider the high rents paid for "tenement" lodgings in the great cities of the Eastern States and New York, the dearth and bad quality of American bread, and the enormous costliness of woollen clothing and women's dress in the Northern States, we are convinced that an American working-man in any of the great cities ought to be in the receipt of nearly three times as high money wages as an English artisan, in order to

have the same means of purchasing the comforts that an English artisan enjoys. Our next point is his direct and express assertion that the system of persecuting non-Union working-men, and examining the packages which they are carrying home, would not be tolerated in America as pickets are tolerated in England. To those persons to whom an example is worth more than the most rational principle, it may now become a question, Why should the incidents of picketing be tolerated in London, when they would not be tolerated in New York? Mr. Hewitt implies that in America the men who take the most prominent part in strikes and intimidation are Irishmen and other foreigners. Has no one here thought it worth while to inquire how many of the leaders of strikes in England are Irishmen or Germans?

THE "LODGER" AT THE UNIVERSITIES.

THERE are some points which the promoters of Mr. Ewart's Bill for admitting undergraduate members of the Universities of Oxford and Cambridge to reside in lodging-houses do not seem to have considered. First, it is assumed, without any proof which will bear historical testing, that there were in the middle ages—namely, in the fourteenth century—thirty thousand members of the University of Oxford resident at once. The statement mainly rests on the evidence of a sermon preached before the Pope at Avignon in the year 1387. The preacher was one Richard of Armagh, of whom we know little else than that he was an enemy of the Dominicans, and sought to discredit them with his most influential hearer. The sermon was preached in a foreign country, where there would be little or no check upon such statements; and it was preached with the object, among others, of showing that Dominican influence had greatly decreased the number of Oxford students. The great cause of the disparity—for disparity there no doubt was—in the numbers of students before and after the middle of the fourteenth century was undoubtedly the Black Death. The preacher of course knew that he was quite safe in pitching the number before that awful visitation as high as he liked, while at the same time he rhetorically saddles those wicked Dominicans with its effects. How many persons would there probably be at Avignon between thirty and forty years afterwards able to convict him of exaggeration, had they even cared to do so? Further, the inhabitants of England within ten years of the very date of this sermon are known to have been about 2,300,000. An entire population recovers so much more rapidly than an academic body from such an epidemic, that we may feel sure that our national total before the first year of the Black Death was no greater, and probably was less, than the last-named number. The estimate of slightly over 2,000,000 would probably suffice for the maximum in any year of Edward's III.'s reign. Now a population of 30,000 academicians at Oxford would probably imply at least 10,000 at Cambridge; probably more, but we put it purposely low. Consequently nearly a fiftieth part of the nation would have been what Richard of Armagh calls "students." We ask any man of common sense, is this conceivable as true? Can any one believe that two per cent. of Edward III.'s subjects could so much as read and write? Further, a population of 30,000 gownsmen, including boys—for boys began "arts" before their teens in those days—implies a population of townspeople, who would of course include women, at least no fewer. Here then at once we have a town of 60,000 inhabitants. Now Mr. Hallam puts the population of London and Westminster together as "not exceeding sixty or seventy thousand," as late as the reign of Henry VII. Is it conceivable that, about a century and a quarter earlier, Oxford could have nearly equalled in population those two cities, including the capital and Court? Beyond even this, the period of this alleged effluence of numbers at Oxford was unquestionably one of furious and turbulent conflict between "town and gown," in which the gown almost invariably got the worst of it. This would seem to imply considerably greater numbers on the side of the town, and would run our supposed sixty thousand perhaps up to eighty or ninety thousand. We will not enlarge on the various economic questions to which this computation leads up. The statement is evidently a gross exaggeration to suit a purpose. It smacks a good deal too strongly, if we may venture to say it, of "Armagh." The author must have saluted "the blarney-stone" in the course of his peregrinations between Oxford and Avignon. It ought only to reappear henceforward among the "curious myths of the middle ages" in Mr. Baring Gould's next edition.

However, the same line of argument seems to assume that the "thirty thousand" were "lodgers." At any rate it overlooks the action of the great monastic bodies, all of whom had settlements on the spot, and outlying feeders all over England. The influence of these bodies was at its zenith, and no doubt "forced" the growth of the University. With their decay its populosity declined. Then, again, there were literally no schools for youth in England, save the Universities. They represent the sum total of education from the primary to the highest. To put ourselves on a level with the Oxford and the England of the first half of the fourteenth century, we ought to clear away all the colleges except three, and all the public schools. To argue from that state of things to this, and to proceed to legislate on such a basis, is to "bring back the mastodon" with a vengeance.

Secondly, we are going to be even yet more sceptical on another point, which is assumed all along without any proof. We mean the existence of a demand for University extension on any such scale

as would justify the experiment now proposed. What the experiment involves we will show further on. Surely it was, however, worth while to make it probable that the extended accommodation is likely to be wanted and used. Where is the proof of an existing demand? It is generally assumed that the lower branches of the learned professions, attorneys and apothecaries, are likely to accept eagerly the opportunity of an academic course. The notion, at any rate, is plausible that, if anywhere, we should find the supposed demand existing here. Have the attorneys and apothecaries—the former in particular, who know well how to make their wants felt—shown, by petitioning, their wish for such an opportunity? Is there any trace of their urgency in the arguments used in support of the Bill? We have been quite unable to detect any such feeling. Nay, when the matter is looked at with reference to the time of life at which youths embark in those professions, the demand seems clearly inconsistent with professional and academic habits, as fixed by usage. The University course is adapted for those who can devote to it not less than three years, perhaps four, commencing at about eighteen. Youths intending to be solicitors or medical men are found, with the most insignificant exceptions, to devote those years to the special study of their professions, or to the initial steps of learning the practice of them. They have their own examinations connected with those professions to prepare for, and for this preparation their minds are no more than duly ripe. The inevitable stages of study, or of gaining practical knowledge, which usher them into professional life, occupy the years which a University course would claim. Those stages cannot be taken in the years before eighteen, which we assume as the time for matriculation. Neither could they, we may safely presume, without detriment to professional prospects, be postponed until after the close of the University course. However we may endeavour to adjust the claims of these two, the University course of study and the professional one, each must occupy its appointed time, and neither can be a substitute for the other. To complete them both would postpone till three years later at the least the legal or medical student's entry into professional life. And here we have to observe that, as University extension is sought almost wholly in favour of a supposed poorer or humbler class of students, who are presumed to be deterred from University studies by the expenses which attend them, if the cost in money makes them hesitate, the cost in time is an expense which they could still less afford. Of all outlays upon a son which a man feels who is not in easy circumstances, that of having the young man upon his hands till he is two-and-twenty would be the heaviest tax. How many of those who cannot afford the money cost can afford the years of unremunerative labour applied to books? This is the practical question which, we fear, has been overlooked. There is a solution to it which some might be ready to suggest—that of altering the University course so as to square with the necessity of the supposed poor students' taking it, if at all, earlier. But this would be damaging to the Universities without at all benefiting, or rather while deluding, the intended objects of the favour shown. The Universities would be reduced to do the work which is amply done at public schools and grammar schools. The latter would lose some of their most hopeful pupils prematurely, in order that they might be attracted to the former while crude and unfit for it. The students would be deluded with the show and the name, without the substance, of a University course and a University degree. The B.A. would be reduced to the standard of the A.A.—nay, the latter would probably soon become the more valuable credential of the two. In order to make this more evident, suppose the University course so far modified that a youth might begin it at sixteen and end it at eighteen. We venture to say that he would have fared intellectually better if he had continued up to the latter age at any school of good mark in his own neighbourhood—and few neighbourhoods are without schools good enough—and concluded his career there by passing the University local examination for senior students. The wholeness and unbroken continuity of such a school course would ensure an economy of the student's time which would be impossible were he to quit it at sixteen and plunge into a new system. The dislocation of mental habits involved in such a change would place all but the most powerful or precocious minds at a great disadvantage. And after all, if a boy finds the mental *pabulum* most fitted for his age at a good local school, he would change for the worse in order to come under that looser manipulation which Professors and Tutors alike administer as compared with school-teaching. You cannot alter the capacity of a boy of sixteen by changing the place of his studies, and putting him under a larger system with a grander name. The A.A. would have gone on in his course of natural development, the B.A. of eighteen would have been damaged in growth by transplanting.

Thirdly, we think that the analogy of the Scotch Universities has misled many into supporting this Bill from insufficient information. The want of public schools of a sufficiently high mark forces the Universities in Scotland to do what corresponds to the work of the two or three higher forms in our local seminaries. We think the Scotch would gladly, if they could, raise up such a class of public schools as would relieve the Universities of their burden. We have no doubt, at any rate, of that feeling as existing in the minds of the Professors. Probably some particular fields of study form exceptions to the rule. For instance, at Glasgow, we believe, the engineer class of students are generally of an age quite as advanced as our own undergraduates of Oxford or Cambridge. But, on the whole, the average run of students are what we should call boys. It is a sad thing to see men of such a stamp

as Professors Thompson, Blackie, and others who could easily be named, spending their energies on this sort of material. But this is what our Professors would have to do if they endeavoured to do their duty towards the new class of students who would be introduced by an altered standard and a reduced age. Another point which has been overlooked is that, among the Scotch Universities, Edinburgh and Glasgow at any rate are seated in populous cities—the latter the centre, or nearly so, of the densest population, at any rate up to a recent census, in the United Kingdom. Thus the student class can be to a great extent recruited from lads living in their own homes, and the question of lodgings for such does not arise. The influx of members so obtained would be impossible under any other local circumstances. In order to make thrive on English ground Universities which should resemble the Scotch, they should be planted in Birmingham, Manchester, and Liverpool.

The considerations which we have mentioned would probably reduce the numbers who could attend lectures at Oxford or Cambridge, as lodgers, to a very insignificant handful, unless far greater changes, involving an academic revolution, were to follow. If there were a prospect of a large influx of such lodger students forming a community side by side with the collegiate, the question would arise how far the two classes could safely coexist. In the middle age of Oxford the system was one. Few colleges existed, and those few had gained nothing of the strength, social influence, and privileges which they have since acquired. We do not mean by "one" absolutely unvarying in the regulation of details. But the ample influence of the Church and the orders fell upon all alike, and, if it did not remove all disparities, yet made them insignificant as compared with resemblances. At the Scotch Universities the system is one. At the London University it is one. At Oxford or at Cambridge, if Mr. Ewart's Bill passes and answers the expectations of its promoters, the system will be twofold, and it will, taking a rough line, be one system for the rich and another for the poor. We have considerable confidence in the genial frankness and general freedom from class prejudices of English youth, but we must say that a system could hardly be devised more calculated to draw out whatever less amiable qualities may be latent in them than such a juxtaposition. We do not, however, think that the system of lodging-houses will be more efficacious than that of private halls. It will probably be a *coup manqué*. And while this probability enables us to console the University authorities, who seem to be alarmed as to its consequences, it may serve also to convince the promoters of the Bill that they are likely to gain only a nominal, and not a material, advantage from their success, if it be achieved. If any one refuses to believe that a couple of thousand students apiece, on the average, is all that England can furnish Oxford and Cambridge now, while in the fourteenth century she furnished them together with, say, even ten or twelve thousand, and if any one thinks that a restrictive policy is the chief cause of the difference, let him ponder well all that is involved in the absence of the orders and their monasteries, and the presence amongst us of the public schools.

LORD SHAFTESBURY AND THE ARCHBISHOP OF CANTERBURY.

THE lay Pope of the Evangelical section of the Church of England and the Archbishop of Canterbury have come into collision. The subject of dispute is of course that on which it is the policy of his Lordship to embitter, and of his Grace to heal, existing differences. The Ritual, which in point of fact is the Vestment, question has been taken up by Lord Shaftesbury. He has, as he thinks, a prior right to deal with it. Lord Shaftesbury introduced a measure of that curt and summary and almost tyrannical kind known as "short Bills," simply to cut the throat of the matter. On and after a certain day the clergy are to wear, or not to wear, in their public ministrations, what Lord Shaftesbury and his friends like or dislike. Nothing can be easier or plainer. Six lines do the whole business, and cut the wrangle short. The only error in this summary mode of dealing with a question is that it altogether mistakes its nature. We are not going into the subject of the revival of ceremonialism. We may admit, as we do, that it was a great blunder to make it prominent, and that the extreme party who have revived disused vestments have much to answer for. But we must do them, or rather the facts of the case, simple justice. What they said was that certain strange and novel practices were not so much permitted as prescribed. Their contention was that, these things being ordered and commanded, they could not without a breach of conscience disobey their obligation to perform them. On the other hand, it was replied that these very things, so far from being prescribed by law, were forbidden by law. And, as a matter of fact, legal opinion was divided on the point. Common sense, as well as precedent, seemed to require that this preliminary question should be first settled; or, if all the legal processes in the kingdom were found incapable of solving it, that it should be declared to be insoluble. And surely the opponents of the revival might have waited for this solemn judgment. If authority in the final appeal pronounced them to be all along illegal, an Act forbidding what was illegal would be absurd; but if they were pronounced legal, Lord Shaftesbury's proposed Act would be only a declaration that the ceremonialists were the true and loyal sons of the Church, for what could he propose to prohibit but what was already permitted? Anyhow, Lord Shaftesbury's "short Bill" pending inquiry was a paralogism both in morals and legislation.

The means adopted to settle the preliminary question of the legality or illegality of the vestments and ceremonies was the issue of the Royal Commission of Inquiry. On this Commission Lord Shaftesbury was invited to sit. He declined; Lord Shaftesbury's mind and manner is, not to inquire, but to act. He knows that he lacks the judicial temper. He is a dictator, not an adviser. He is a ruler, not a judge. With a lofty scorn he rejects all paltry considerations of what is, as a man has a right to do whose more sublime vocation is to settle what shall be. Lord Shaftesbury entertains a very low opinion of the Royal Commissioners. They are partial, passionate, unjust, pledged, and committed. Lord Shaftesbury has none of these qualities. He only wants immediate legislation. All that he asks is to hang the man, and those whose tastes lie that way may judge him afterwards. This is the substance of what he urged in the House of Lords on Monday night. And he did not stand alone. The Bishop of Carlisle, Dr. Waldegrave, even exceeded in violence his lay friend. Just as Calvin, in whose steps, in more ways than one, Bishop Waldegrave is a worthy follower, burnt Servetus, so this ultra-Protestant would revive the policy of Torquemada. "Prompt legislation" is the Carlisle slogan.

The immediate occasion which brought out these ultra-vigorous sentiments from Lord Shaftesbury and the Bishop of Carlisle was a letter written by the Archbishop of Canterbury, in which he informed certain clergymen that "Convocation will be duly consulted upon the matters submitted to the Royal Commission, before Parliament shall make any enactment upon them." This the Archbishop said merely as declaratory of the precedent on which Parliament had hitherto acted. This observation the Earl and the Bishop exaggerate and intensify into a very different expression. The Archbishop said, in effect, that Convocation would, in the usual order of things, deliberate upon any proposed changes in the Book of Common Prayer, which is quite another thing from saying—which is the Shaftesbury and Carlisle gloss on it—that Convocation must and shall be consulted, and that without its assent and consent Parliamentary legislation is null and void. Earl Derby very tersely pointed out the distinction. "It is perfectly competent for Parliament to take any course it may think fit. But I think it desirable that Convocation should have an early opportunity for expressing its opinion upon any important change which is contemplated with regard to Church matters." About the competency and power of Parliament to do whatever, in its wisdom or lack of wisdom, it may think fit, no human being could for a moment doubt. The Archbishop of Canterbury is not so absurdly ignorant as to deny the omnipotence of Parliament to behead every red-haired man tomorrow. The limits to Parliamentary power are none. Providence is said to be debarred from unconditional power only in one point—namely, that it cannot make undone things that are done; and so perhaps Parliamentary competence could scarcely make a Shaftesbury mild or a Waldegrave sensible. The only question is whether Parliament itself has not always seen the distinction between its power and its policy. As to the matter of fact, issue seems to have been joined by the Lords Spiritual and Temporal on Monday night. The Archbishop said that the present Prayer-Book was settled by Parliament and Convocation; and he added that after the Savoy Conference of 1661, the alterations made in the Prayer-Book, originated by a Royal Commission, were adopted by Convocation; and more recently that, in the matter of the terms of the Act of Subscription, the changes made two or three years ago were canvassed and approved in Convocation. Lord Shaftesbury, on the other hand, argues that the Second Prayer-Book of Edward VI. was established without consulting Convocation; and that the Prayer-Book of Elizabeth "which remained in use till the Protectorate"—which it did not, as it was modified under James after the Hampton Court Conference—was passed by Parliament against the advice of the Spiritual Lords, and without consulting Convocation. That is to say, what Lord Shaftesbury wants is the high-handed policy of Protector Somerset and Cecil. In other words, he wants to revive the old Tudor supremacy. If precedent is to be followed in this way, no argument can be sustained against a similar exercise of Royal and Parliamentary authority by Queen Mary. The Queen and Parliament reconciled the nation to Rome just in the same way, on the same principles, and by the same exercise of the same authority, as Protector Somerset is said to have authorized the second Reformed Prayer-Book. We may note, in passing, that it is not quite so certain that Convocation was not consulted about this book of 1552. But there is another precedent which Lord Shaftesbury did not examine, and which the Archbishop might have sensibly referred to, as embodying not only the precedent, but the principles and authority, of the most liberal Churchman in the most liberal era of our history, and in the very heyday of Whig and Revolution principles. The men of 1688—and it will be a duty and satisfaction to Earl Russell once more to quote, and of course to follow, my Lord Somers—were in favour of, and actually adopted, the course which the Earl of Shaftesbury and the Bishop of Carlisle think so mean, compromising, and time-serving. The Latitudinarians—as they were then called—of the day were dissatisfied with the Prayer-Book of 1662. By their influence a Royal Commission was appointed, consisting mostly of the friends of innovation; and if the Archbishop of York, and those who hint that the present Commission is one-sided, want to see a real partisan Commission, they have only to look over the constitution of William III.'s Royal Commission. This Commission reported and recommended

—as everybody, we should have thought, knows—all sorts of changes; amongst other things, that the collects should be translated into high-polite English. Then, as now, there were "dissenters," but not Bishops or lay Popes, "who wished to settle all matters in Parliament;" but "the House of Lords joined the House of Commons in addressing the Crown, that Your Majesty would, as soon as conveniently may be, issue your writs for summoning Convocations to be advised with in ecclesiastical matters." This address was backed by Tillotson, himself favourable to the proposed changes, because "the settlement of such matters in Parliament would give colour to the Romanist cavil of a Parliamentary Church." And it is a mere matter of history that the disapprobation of Convocation in 1688-89 prevented the changes being authorized by Parliament, a result which Burnet himself—the most prominent, and eager advocate for the changes—admitted, when the excitement had passed away, to be the very best thing that could have happened. His words are:—"For, by all the judgment we could afterwards make, if we had carried the alterations they would have done us more harm than good." It will be observed by those who, like the Bishop of London, are disposed to act fairly, that such precedents as this are alone apt; for the cavil adopted from the Dean of Westminster, that out of 2,000 pages of statutes relating to the Church, only seven enactments appear to have received the sanction of Convocation, amounts to nothing when it is discovered, as is the fact, that the seven statutes are on the most important matters of doctrine and ritual, while the rest of the 2,000 pages of Mr. Stephen's bulky book is filled with the leather and prunella of Church Building Acts, District Parishes Acts, Pluralities and Residence Acts, and statutes of the strictest local interest, which certainly were not referred, as they were not worth referring, to Convocation.

So much for the precedent. As to the policy and expediency of consulting Convocation, the Bishop of London was right enough in observing that Convocation has of late years assumed a very different position—and it is one of which so liberal a Churchman as Bishop Tait "heartily approves"—from that which it occupied in former times. That Convocation should be consulted few will deny; that it should be deferred to is a consideration which, pace Lord Shaftesbury, it will be time enough to consider when we know what the Royal Commission has to say. In deference to Lord Shaftesbury's party, and to prevent a separation and disruption of the Church, the law was stretched to the very uttermost in the Gorham case. The extreme Ritualists—and their following is contemptible neither in numbers, nor influence, nor learning of a sort, nor even in sincerity—openly threaten some sort, if not of schism, at least of separation. To wait a month or two, and to avert such a calamity, would be the dictate of prudence, charity, courtesy, and common sense. It is needless to add that nothing will induce Lord Shaftesbury to do that which such simple motives suggest.

TITHE.

IT is perhaps too much to expect that there ever can be a debate, in Parliament or elsewhere, about ecclesiastical property, without the old fallacy being brought up again, that at some mysterious time ecclesiastical property in England was taken from one religious community and given to another. If some one would only tell us the date and title of the Act of Parliament by which certain property was, as the common phrase runs, transferred from the Church of Rome to the Church of England, we would at once give in. Unluckily, we ourselves, after a certain amount of study of the events of the thirty or forty years which are commonly jumbled together under the name of "the Reformation," have been quite unable to light upon the particular statute which we suppose is intended. Till we are enlightened on this point, we must look upon the Church of England in the year 1600 as, legally and historically, the same body as the Church of England in the year 1500, and we must leave it to theologians to settle whether, between those years, any particular act of Crown, Parliament, or Convocation did or did not make a theological barrier between the Church of the later and the Church of the earlier date. We presume that no candid Roman Catholic, no divine of the school of Dr. Lingard and Dr. Oliver, would deny that Archbishop Bancroft had a good legal claim to the estates, precedence, and so forth, which had belonged to Archbishop Warham. That is all that we want. We do not for a moment deny the power of Parliament to do what it pleases. An Act to transfer the estates of the see of Canterbury—if the Ecclesiastical Commissioners have left it any estates—to the High Priest of the Mormons, if such a dignity exists, might be very foolish and very wicked, and might reflect indelible shame on every member who voted for it. But it would be perfectly valid, and no good citizen would be justified in resisting it. All that we assert is the historical fact that no Act of any analogous character was passed at any time between the years 1500 and 1600. We are now talking wholly of England; Ireland is another question. In England nothing is plainer than that the existing Bishops, Priests, and Deacons derive their temporal position and their spiritual succession from the Bishops and Priests who lived before 1500. The only objection is that of the Roman Catholic—one thoroughly good from his point of view—that the temporal position is undeniable, but that the

spiritual succession is a sham, because orders conferred in a state of separation from the centre of unity at Rome are no orders at all. The case of Ireland is certainly different. The case put by Dr. Brady and Mr. Froude touches not merely the spiritual validity, but the historical fact, of the Irish Episcopal succession. We are not clear that the question is of the importance which seems to be attached to it on both sides; yet, till the controversy is settled, it makes at least a provisional distinction between the English and the Irish Church. The English Church, as the Anglican thinks, washed its face, and, as the Roman Catholic thinks, dirtied its face, at some time between 1500 and 1600. But its personal identity remains indisputable. The present Roman Catholic body in England may be theologically the only orthodox communion in England, but that it is historically the successor of the ancient English Church no candid and well-informed Roman Catholic will affirm. That the present Roman Catholic body in Ireland is the successor, both historically and theologically, of the ancient Irish Church may be asserted, perhaps not with absolute certainty, but with a fair show of reason.

We make these remarks to show that we are fully aware of the distinction which must be drawn in all these inquiries between the two branches of what is called the United Church of England and Ireland. The case of the one is perfectly clear; the case of the other is at least doubtful. In the late debate on the Irish Church in the House of Lords, one speaker alone, in the person of the Duke of Argyll, at all touched on the question of the succession of the Irish Church. And he touched on it only to express his satisfaction that it had not been touched upon by other speakers. It has in fact but little bearing on the practical question, and we should not have noticed it at all, had not the Duke of Argyll gone on to use language about a transfer of property from one ecclesiastical body to another which seemed meant to apply to England as well as to Ireland. Against this historical confusion, especially when it appears in such a quarter, it is needful to keep up a constant protest. But the Duke of Argyll's speech was more remarkable for a distinction which he drew between tithe and other ecclesiastical property, which distinction seems to us to be quite untenable. Land occupied by ecclesiastical owners the Duke seemed to look upon as strictly property, while tithe he spoke of as a tax more immediately under the control of the State. Now the great truth which it is so difficult to realize in these matters is that one thing is not more under the control of the State than another. Parliament is, and must be, omnipotent; it has, and must have, exactly the same control over property of all kinds, individual and corporate, ecclesiastical and temporal. That is to say, Parliament can deal with all of them just as it pleases, limited only by its own sense of what is right and expedient. The right of the State to deal with corporate property or ecclesiastical property does not arise from anything special in the nature of those kinds of property, but simply from its inherent right to deal with all property. The only difference is that cases in which it is right and expedient to deal with ecclesiastical or other corporate property occur much more commonly than cases in which it is right and expedient to deal with private property. Now tithe is undoubtedly property, just as much as any other sort of property. The Duke of Argyll talks almost as if tithe were a tax paid to the State, which the State then conferred on some ecclesiastical body. But tithe is not a tax periodically voted by Parliament, and whose existence depends on its appearance or non-appearance in a budget. Tithe, in every case where tithe is paid, is distinctly the property of the tithe-owner; it is property subject, like all other property, to the general omnipotence of Parliament, but it is not a fund at the immediate disposal of Parliament, as the Duke of Argyll seems to think. It must not be forgotten that a large portion of tithe is the property of laymen; we may almost take for granted that the Duke of Argyll is a tithe-owner himself. But it is quite impossible to draw any distinction between tithe held by a layman and tithe held by a clergyman or an ecclesiastical corporation. The nature of the income is exactly the same in both cases; the process of payment and the tithe-payer are exactly the same in both cases. If a tithe rent-charge paid to the Duke of Argyll or any other layman is the property of that layman, a tithe rent-charge paid to the parson of the parish or to a Bishop, Chapter, or College is equally the property of the ecclesiastical or corporate owner. Parliament, in its omnipotence, may in either case relieve the tithe-payer from the payment, or ordain the transfer of the payment to some other quarter. But till Parliament thinks fit to do so, the tenure of the lay and of the ecclesiastical owner is exactly the same. The title of each is derived from the law, and holds good till the law is altered.

The origin of tithe does not affect the matter. The payment of tithe, originally preached by the clergy as a moral duty, gradually came to be enforced by the temporal law. As soon as the claim of this or that corporation sole or aggregate to the tithe of this or that piece of ground became a right which the temporal law would enforce, so soon tithe became, in the strictest sense, property. Whether the proprietor be a layman or an ecclesiastical corporation makes no difference in the nature of the right. The only difference is that Parliament is, naturally and rightly, more shy of using its abstract omnipotence in the case of the layman than it is in the case of the ecclesiastical corporation. Tithe belonging to the Duke of Argyll is less likely to be alienated than tithe belonging to a Rector or a Bishop. But whatever right Parliament has over one it has equally over the other.

The identity of lay and clerical ownership of tithe appears also in a more special way. When laymen began to hold tithe, the theory was, not that the tithe was alienated from ecclesiastical ownership, but that ecclesiastical ownership was conferred on laymen. Monasteries and other ecclesiastical bodies had obtained the rectories of parishes. The corporation took on itself the duties, and with the duties assumed the revenues—tithe, lands, houses, whatever it might be—attached to the rectory. Those duties included the performance of divine service and the maintenance of the chancel. The former object was gradually provided for in most cases by the endowment of separate vicarages; but it was long held that, if the endowment of a Vicar was insufficient, he could claim an increase at the hands of the Rector. Lawyers would probably hold that this right has been lost by non-user. But, if it is lost, it is lost equally whether the Rector be lay or ecclesiastical; if it exists, it exists equally whether the Rector be lay or ecclesiastical. The obligation to repair the chancel confessedly exists equally in either case. For the tenure of the property is the same in both cases. The lay holder of a rectory has the same rights and the same duties as a prebendary whose corps is formed by a rectory. The rectories in the hands of monastic bodies passed at the Dissolution to the Crown and its grantees, but they passed charged with whatever burdens they were charged with while in the hands of the monks. The rectories in the hands of other ecclesiastical bodies remain in their hands still, except so far as they have been transferred, as they largely have been, to the Ecclesiastical Commissioners. But be the rector a layman, an ecclesiastical corporation, an academical College, or the Ecclesiastical Commissioners, not a shadow of difference can be made out between the tenures of these several owners. The Duke of Argyll would probably look on rectorial tithe in his own hands as property; if so, rectorial tithe in the hands of an ecclesiastical corporation or of the parson of the parish is equally property.

Tithe, in fact, has become something like a seigniorial right, capable of being held by owners of any sort. Its special character as being, in whatever hands, an ecclesiastical property charged with ecclesiastical burdens, does not affect the tithe-payer. To him it is a charge on his land, like any other charge. As a right held by one man over the land of another, it has a certain vexatious character about it. It is property, and its existence is always considered in estimating the value of the land burdened with it. It is no way a tax or a fraud on the land-owner, who buys or inherits his land subject to it; still there is something unpleasant in the feeling that any man has any rights over the freehold of another. It is more satisfactory to hold one's land free of all dues whether to Rectors or Lords of Manors. It is therefore always a gain when tithe, or any other similar due, can be extinguished, as in many parishes it has been. In many cases, the former tithe-owner has received land of his own in exchange for his rights over the land of others. For, of course, tithe being property, the tithe-owner, if he loses his tithe, has a just claim to compensation in some other shape. But he has that claim only because his tithe is property, and his tithe is property equally whether he be the Duke of Argyll, the Dean and Chapter of A., or the Rev. B. C. parson of the parish. Parliament can confiscate the property of any of them by virtue of its omnipotence, but, till it exerts its omnipotence, they are all equally safe.

PIUS IX. AND THE BISHOPS.

PIUS IX. has been "at home," if it is not irreverent to say so, during the last few days, to guests of all orders, ranks, countries, colours, and nationalities. Cardinal, patriarch, prelate, priest, and layman—from the highest dignitaries of the Church to the swarthy ecclesiastical ignorant of Italian, on whom the Holy Father remarked *sotto voce*, as he gave his benediction, *Figlio mio, come sei brutto*—have knelt before his throne. Some five hundred bishops swelled the gorgeous procession that defiled on St. Peter's Day past the tomb of the Prince of the Apostles, twenty thousand priests are said to have been present at the canonization, and, if we may trust the reporters, one hundred thousand voices blended in the chant of the *Te Deum*, as it rolled along the echoing aisles of the first cathedral of Christendom. The late Mr. Thackeray was not ashamed to confess himself overpowered when he witnessed, five years ago, a less imposing spectacle within the walls of that same basilica. And the visitor, whether he be Roman Catholic or Protestant, cleric or layman, may well be forgiven if, in the natural enthusiasm of such a moment, he forgets all the controversies which have divided and still divide the Christian world, all the political questions which are still pressing for solution in Italy, and remembers only that he is in a Christian temple, joining in the grandest act of world-wide homage offered to the Christian's God. He must, indeed, be above or beneath the average level of humanity who could listen unmoved beneath the stately dome of Michael Angelo to the weird, unearthly melody of the *Tu es Petrus*, wafted from the Papal choristers, as the Pontiff, revered alike for his position and his virtues, is borne aloft in act of benediction through the crowd of prostrate worshippers. It does not need the ringing clearness of Pío Nono's musical intonation, or the recollection of the merits and the misfortunes which have endeared him through a long pontificate to the hearts of so many of his spiritual subjects, to give solemnity to a scene which none who have witnessed it are ever likely to forget. Nor are we disposed to meet such a sentiment with the cynical rejoinder which Sir Walter Scott complained of, when asked

what he had gained by travelling to London to see a coronation. "They are treacherous guides, the feelings," is, no doubt, often true enough, though the suggestion is usually apt to emanate from a somewhat unamiable quarter, and the man who is absolutely impervious to their influence was not unfairly described by the old Greek philosopher as either a brute or a divinity. It is not, however, so much to the solemn ceremonial at St. Peter's, which has been abundantly dwelt upon in the columns of our daily contemporaries, that we would call attention now, as to some of the incidents, less picturesque, but of graver practical moment, which followed and grew out of it.

Of the announced intention of the Pope to hold a General Council next year we have previously had occasion to speak. It is rumoured that fifteen propositions of the recent Syllabus are intended to be submitted to the assemblage when it meets; and as that singular compilation contains a large assortment both of statements that are truisms and of statements that are, in the estimation of most people, not true, it would be easy to make such a selection as would provoke either the smiles or the pugnacity of the reverend fathers. The design of extracting a definition of the Pope's infallibility, in which the English bishops, or some of them, are said to have taken the lead, has evidently for the present been abandoned, probably from the opposition it encountered. And if another floating rumour be correct, which may be taken for what it is worth, that the "orthodox" Greek bishops are to be invited to the forthcoming Council, and that, if invited, they mean to come, there will be very small chance of passing such a decree then. The Greeks, if we are not mistaken, have been summoned to all former synods of the kind till the Council of Trent. To that they were not invited, though the English bishops were, who of course refused to go. It is far from impossible that Pius IX., who has already, for the first time in three centuries, signalized his pontificate by the promulgation of a new dogma, may have conceived the notion of rendering it still further illustrious by restoring the Eastern "schismatics" to the obedience of faith. Some suggestion of the kind was thrown out in one of his earliest Encyclicals, which, however, did not meet with any very friendly response. Nor do the present relations of the Roman and Russian Courts look promising for a renewal of the attempt. But on what may happen in December, 1868, it would be premature to dogmatize now. What has been said and done by the bishops of the Latin Church who are at present collected in the Vatican is before us in black and white; and, considering especially that their address to the Pope is stated not to satisfy the more extreme members of the hierarchy, who had prepared another and a stronger one, we may be permitted to express some surprise at its contents. It is amusing to find that the three critical clauses of the address proposed by Archbishop Manning for signature—one being a vehement denunciation of the Czar, another of Victor Emmanuel, and the third a high laudation of the Roman people for their attachment to the temporal government of the Pope—were at once rejected by those of the bishops most directly cognizant of the facts referred to, and who had practical reasons for abstaining from talking nonsense about them. The English bishops present are said to have all voted in the majority against their primate. But to return to the address actually presented. We pass over the opening assurances of devotion to the Pope and of assent to whatever he teaches, confirmed by the very strange application of St. Peter's words, "We cannot but speak those things we have seen and heard," to the necessity of the bishops saying whatever the Pope has said before them. The next statement, "Never has your voice been silent," is one that nobody who has watched the unwearied loquacity of Pius IX.'s exceedingly communicative pontificate will be disposed to question. Perhaps there are some undutiful children who may think it would have been better if their spiritual Father had been more mindful of Mr. Carlyle's maxim that if "speech is silver, silence is golden"; but at all events he will be gratified to learn that none of his bishops share that profane delusion. It may be an instructive lesson in the diversity of human opinion that, about the same time that Murphy was instructing his audience at Birmingham how the confessional ruins moral purity and destroys the peace of families, the assembled prelates at Rome were thanking the Pope for teaching "those things which are salutary and necessary, as well to individuals and Christian families as to civil society." The more crucial portion of the address, however, is what follows, where the bishops declare that, believing "Peter has spoken by the mouth of Pius," they "speak, confirm, and declare" whatever Pius has spoken, and reject whatever he has rejected. And then comes, curiously enough, the very same extract from the decree of the Council of Florence, with the very same omission of its most distinctive and characteristic clause, which we had occasion to comment upon the other day in the address of English Roman Catholics to the Pope. Is this an accidental coincidence, or is it possible that both documents proceed from a common authorship? Another address is reported to be in circulation among the bishops, calling upon the Great Powers of Europe to restore to the Holy See the provinces formerly belonging to it, and now incorporated with the Italian Kingdom. It is creditable to the common sense of the right reverend fathers that this latter document has as yet received "but an inconsiderable number of signatures." And, indeed, our surprise at the tone of the address where the whole body of them have subscribed is sensibly diminished when we learn of what elements that body is composed. The immense majority are supplied, it appears, by France, Spain

Italy, and Portugal—that is, by the countries where Ultramontane influences are paramount—while there are comparatively few from Holland and Switzerland; and from Germany, where alone Catholicism has been brought into friendly relations with science and the movements of modern thought, there are but four—two from Austria, and two from Prussian Poland. In fact, to all intents and purposes, the liberal party in the Church of Rome was not represented at all in the Conclave. It remains to be seen whether it will demand a hearing in the forthcoming Council. The more numerical weight of the Italian Episcopate, which is hugely disproportionate to that of any other Roman Catholic province, would hardly avail in a really free-speaking assembly against the authority of those who can contribute arguments as well as votes.

But the bishops have not had an exclusive monopoly of adulation. It seems that lay addresses of devotion to the Pope from a hundred Italian cities have been presented by Count Boschetti, to which His Holiness replied by assuring the deputation that he should ever condemn Italian unity, "a unity without charity, without justice," and, as one report adds, "a unity cursed by God." This protest against accomplished facts was hailed, we are told, by the audience with enthusiastic applause, and cries of "Cursed, cursed! Long live the Holy Father!" The Council of Trent dissolved amid cries of "Anathema to all heretics." But the anathemas did more to establish heresy than to extinguish it. And if Italian unity were in any danger of dissolving, these impotent curses would only help to cement it. We can have no hesitation in accepting the assurance of Pius IX. that he has always loved Italy, and prayed for her happiness. It is more his misfortune than his fault that his liberal instincts have never been allowed fair play, and the evil counsellors who surround his throne have bullied or cajoled him into believing that he must be false to his country if he would be faithful to his Church. The eighteenth centenary of the Martyrdom of St. Peter is an opportunity which a really vigorous Pontiff, like Hildebrand or Innocent III., who could discern the signs of the times, would not have let slip. By recognising how much must be sacrificed to the exigencies of the situation, he would have laid a firmer grasp on all that could be successfully retained. No later Pope has so thoroughly and so deservedly commanded the reverence of Christendom as Gregory the Great, who was not slow to proclaim himself the subject of the civil power. There is a story of Leo X. remarking, with quiet complacency, that the successor of St. Peter could no longer say, "Silver and gold have I none"; to which his interlocutor very happily replied, "Neither can he say to the lame, 'Arise and walk.'" If temporal sovereignty is a necessity for the Papacy of the nineteenth century, there must have been something very superior, or very defective, about the Papacy of the sixth. We are told, again, that the traditional precedent which for several centuries has confined the Papal dignity to Italians is to be broken through. But how can a foreigner be elected to the principedom of an Italian State?

There is indeed one aspect of the subject which could as little have been absent from the minds as it could have found place in the words of the lay or episcopal visitors of His Holiness. St. Peter, according to the Roman tradition, was Pope for twenty-five years, and none of his successors have reigned, or, it is piously believed, will ever reign, so long. Before the time for the proposed Council arrives, Pius IX. will have entered on the twenty-third year of his pontificate; and it is very unlikely, even should he live till then, that he would be able, with his infirm health, to preside over such an assembly. The exertion of delivering his Allocution the other day greatly overtaxed his powers. Whether a new Pope would be equally desirous of appealing to the ecclesiastical Parliament which Popes have usually loved as well as the Stuarts loved the Parliament of England, and whether, if he did, he would invoke its aid in the interests of the party who at present guide the counsels of the Vatican, are questions which it would be idle to speculate upon. But we can easily understand why those who wished to secure against all future dispute their cardinal doctrine of Papal infallibility should have schemed to carry the point at once by a *coup de main*, and we may pardon them some feeling of soreness when they find themselves checkmated by the decision eventually adopted to postpone the Council for at least another twelvemonth.

THE ORISSA FAMINE.

II.

AT the end of November, 1865, the period to which we brought down the narrative of the Orissa famine last week, the people, "shut up in a narrow province between pathless jungles and an impracticable sea, were in the condition of passengers in a ship without provisions." Whatever help they might stand in need of could only come to them from without, and the single question to be determined was from what source it was to come. The financial authorities at Calcutta trusted to importation by private traders, and if the neighbouring provinces had been in possession of their normal supply of grain the Board of Revenue might have been right in its belief. It was just at this point, however, that the extent of the scarcity made itself felt. There was so active a demand for rice throughout the Bengal Presidency that the prices in Orissa, though they meant starvation to the inhabitants themselves, were still insufficient to tempt importation. Consequently the cut-and-dried political economy of the Board of Revenue was wholly inapplicable to the circumstances, and on the very day

they made the Report we spoke of last week, Mr. Barlow telegraphed from Pooree to the effect that deaths from starvation were on the increase, that public aid was wanting, and that grain would be better than money. In answer to this appeal the Government determined to send 250 bags—about eighteen tons—of rice by a coasting steamer. But Orissa lies out of the ordinary course of trade, and the owners of the steamer seem, not unnaturally, to have declined to stop on a dangerous coast to land so small a quantity. Even six months later a similar refusal was given unless the Government were prepared to despatch 3,000 bags, and—the Government not being so prepared—"Mr. Barlow went out to land the rice, the people even assembled to eat it, but it never came." However, certain public works were undertaken on the receipt of further solicitations from Mr. Barlow, and the suggestion of local officials (including the Commissioner himself) that the workmen should be paid in rations, was, in the first instance, approved. But on the 19th of December, Sir Cecil Beadon, in giving orders for the prosecution of certain of these works, instructed the Superintendent Engineer that it was not "desirable that the officers of the Public Works Department should be concerned in any arrangement of this kind." About the same time the Board of Revenue reported that they had authorized Mr. Barlow to have a tank dug at Sathparah, with the object of giving employment to destitute people, and that wages were "to be paid in grain," an order which was expressly approved by the Government on the 21st of December. On the 30th of December, however, the Secretary of the Public Works Department, in repeating the instruction of the 19th, directed that "payments should be made in coin," and that "anything that may be necessary to enable these wages to purchase food advantageously" should be carried out "under local arrangement." On the receipt of this order, the Superintendent Engineer asked the aid of the Commissioner in "obtaining an ample supply of rice at the fair market value"; and on the 11th of January Mr. Ravenshaw authorized the Collectors of Pooree and Cuttack, in case of necessity, "to purchase rice at the cheapest available market." Apparently, however, neither the Commissioner nor the Collectors had any funds in hand for this purpose; and on the 15th of January, things having grown worse in the interval, Mr. Barlow wrote to the Executive Engineer urging the necessity of an immediate supply of food, and suggesting that the Public Works Department should advance money with which to import rice. The Executive Engineer forwarded the letter to his superior officer, and asked leave to make the required advances, adding, "Not only our works, but the people's lives, are dependent on an early supply of rice." The Superintendent Engineer refused his assent, having in view his positive orders to "leave the providing of rice to the civil authorities," and telegraphed to Calcutta for further instructions. On the 26th of January the instructions came—"Your proceedings in refusing advance approved. This department cannot have any concern with providing rice." On the same day the Board of Revenue wrote to Mr. Ravenshaw, referring him to the Lieutenant-Governor's order of the 30th of December, and requesting him to instruct the Collector of Pooree to pay in cash instead of grain, as previously ordered by the Board, the wages of the persons engaged "in digging the tank at Sathparah"—the cash payment, however, to be fixed on the principle that "so much only should be paid as will provide food sufficient to maintain the labourer and his family in health."

It has been necessary to give these proceedings in considerable detail, because the question of responsibility largely turns on them. The Lieutenant-Governor and the Board of Revenue seem to have been playing at cross-purposes. The former states that he regarded the question merely as it affected the relations between departments. He never meant to forbid the purchase of rice by the authorities; he simply wished that it should be bought by the Collectors, not by the engineers. He quotes in support of this view his order of the 21st of December, approving of payment being made in grain where the work was undertaken by the Collector, not by the Public Works Department; and he points out that the order of the 30th of December was perfectly consistent with this, since it referred only to the labourers employed on the works undertaken by the department, and still left the provision of food to be carried out by local arrangement. The approbation of the Superintendent Engineer's refusal to advance money was of the same character—"a mere departmental order upon a bare technical point." Consequently, the order of the Board of Revenue on the 26th of January "was not only an entire misapprehension" of Sir Cecil Beadon's views, but "in direct contravention of the previous order expressly approved" by him on the 21st of December. The Board appear to have been so impressed with the importance of their economical theories that they read them in orders which to ordinary eyes bear no trace of them; and where the Lieutenant-Governor supposed himself to be merely handing over the duty of importing rice from one official to another, the Board assumed that he was prohibiting such importation altogether. An unhappy oversight gave this misunderstanding an accidental importance which might not otherwise have attached to it. The Board's letter of the 30th of December never came under Sir Cecil Beadon's notice. A copy of it was sent to the Secretary's Department, but that officer, having been away on leave during the progress of the discussion, thought it of no importance, and passed it as a matter of routine. When the Superintendent Engineer had been prohibited from making advances, Mr. Barlow applied to the Commissioner, repeating that rice was not to be had in the pro-

vince, and that importation must be resorted to. The Commissioner, who had just returned from his tour, was at last impressed with the greatness of the need, and on the 31st of January he telegraphed to the Board of Revenue that famine relief was at a stand-still, that the Public Works Department refused to advance money, that Pooree must get rice from elsewhere, ending by the question, "May I authorize advance for this purpose?" If the intention of the Bengal Government had been properly carried out, this request would at once have been granted, and all the subsequent suffering averted. But the Board of Revenue were so satisfied of their own interpretation of the Lieutenant-Governor's orders that, without even acquainting him with the contents of the telegram, they at once answered, "The Government decline to import rice into Pooree. If the market favours importers, rice will find its way into Pooree without Government interference, which can only do harm. All payments for labour employed to relieve the present distress are to be in cash." So far then, as regards this part of the business, the statement of the Governor-General in Council that "a heavy weight of responsibility and grievous blame attaches to the Board of Revenue," seems to be amply justified. They read all the orders of the Lieutenant-Governor by the light of a foregone conclusion, and they omitted to communicate to him an urgent telegram from the Commissioner of Orissa before sending a decisive reply.

Immediately after this, however, the blame shifts in some measure to the Commissioner of Orissa. Without even a remonstrance, Mr. Ravenshaw accepted the answer of the Board as putting an end to all idea of importation, and exerted himself to carry out the principle to the fullest extent. Even the distribution of cooked rice by the Pooree Relief Committee was disapproved and abandoned, and money payments were substituted in all cases. That such a telegram as that given above should have been followed by no detailed report of the circumstances under which it was sent is most incomprehensible. Had it been so followed it could hardly have failed to come under the eyes of Sir Cecil Beadon, in which case the misunderstanding as to the purchase of rice must at once have been cleared up. The same singular reticence seems to have been maintained during the visit of the Lieutenant-Governor to Pooree and Cuttack in the middle of February. Every official of any importance in the two districts had an opportunity of pressing his views upon Sir Cecil Beadon's notice, and Mr. Barlow and Mr. Nolan were specially interrogated as to the progress of the public works, without a word being said by anybody as to the supply of rice. The Commission accounts for this by the theory of a want of boldness on the part of the local officers; the Lieutenant-Governor explains it on the supposition that "the belief in the existence of a sufficient stock of grain in the country was almost if not quite universal." As far as Mr. Ravenshaw is concerned, the latter explanation is apparently the true one. It had been his conviction at the outset; and though on his return he fell for a moment under the influence of Mr. Barlow, and advocated importation, the receipt of contrary orders from the Board of Revenue threw him back on his original theory, to which he clung for some months longer. Mr. Barlow's action or inaction is more difficult to account for on either hypothesis. He certainly was impressed with the urgent character of the situation in January; he certainly kept silent on the subject in February. As he was not in India at the time of the inquiry, no light has been cast on the question by his own statements; but in the absence of more definite evidence, we incline to the belief that his conviction had been somewhat shaken by his failure to impart it to others, and that at the moment of Sir Cecil Beadon's visit, he was really more hopeful than he had ever been before or than he ever was again.

From this time to the end of May the question of Government importation was not again raised. Starvation, with its natural accompaniment, cholera, became daily more common; rice grew scarcer and scarcer, until at length it was not to be bought; and the number of labourers on the public works decreased, from the people having no longer the strength necessary for the task required. The street sweepers were constantly employed in removing dead bodies, and to many of those who were still alive "a drink of water in which rice had been boiled, obtained from those who were fortunate enough to have rice," was nearly their whole means of support. All through these two months the conviction that the policy of non-importation had been too definitively adopted by the Government to give any hope of its being changed was so firmly fixed in the minds of the officials that they made no further applications. In April, however, the news from Balasore seems to have caused the Government some alarm, and Mr. Ravenshaw was instructed to visit the district, and submit a special report on its condition. Unfortunately, however, he was ordered soon after his arrival to proceed at once to the Mohurbhunj country, to deal with a disturbance that had broken out there, and his Report on Balasore was not completed before he set out, on the 20th of April. He took it with him, therefore, to Mohurbhunj, where it was finished on the 2nd of May, and laid before the Bengal Government on the 11th. Meanwhile the Lieutenant-Governor had gone to Darjeeling, for his health; and as Mr. Ravenshaw, though aware of this fact, did not send the Report direct to him, a further delay of some days was the result. During the whole of May, however, the state of the province was beginning to be better known by means of letters published in the newspapers. Mr. Barlow himself wrote several of these, but erred, as he afterwards confessed, on the side of over-caution in

his statements; and various suggestions were offered by inofficial persons to the Government—one especially from Mr. R. Scott Moncreiff, addressed both to the Lieutenant-Governor at Darjeeling and to the Governor-General at Simla, strongly urging importation of rice, and the application to that purpose of the balance of the North-western Famine Fund. On the 16th of May the Government of India telegraphed to Sir Cecil Beadon, offering to carry out this last proposal. The Lieutenant-Governor seems by this time to have been really alarmed. He accepted the offer of the balance by telegraph on the same day, and on that and the 17th he wrote to the Board of Revenue suggesting importation, following up his letters by a telegram on the 21st, placing 18,000*l.* at the disposal of the Board, if they should "see fit to apply it in that way." The Board of Revenue, however, constant to the last, did not see fit. On the 22nd they wrote to Sir Cecil Beadon, in answer to his message, declining to import, but promising to make further inquiries. On the 23rd another message came from Darjeeling, giving the substance of a letter to the same purport from the Collector of Balasore. The Board, however, were still resolved upon inquiring before acting, and a week's delay was the consequence. From the 26th to the 29th of May telegrams came every day from Orissa. The Engineer reported that the labourers were leaving the works because no rice was obtainable for money; the Commissioner says that there were only one day's rations in store for the troops; the Local Committee that rice was not to be had even at the highest famine price. At length, however, Sir Cecil Beadon was thoroughly convinced of the urgency of the case. On the 29th he telegraphed peremptory orders to the Board of Revenue to lose no time in importing rice; and from the beginning of June onwards vigorous, though not always well-directed, efforts were constantly making to throw food into the province. Here, therefore, the enquiry, as far at least as regards the responsibility of the several officials concerned, may be said to end; though the famine itself continued till the following November. The result of the whole story seems to us tolerably clear. The chief offenders are the members of the Calcutta Board of Revenue. They were to the last mistaken in their estimate of the circumstances; they misinterpreted the Lieutenant-Governor's orders; they omitted to acquaint him with material facts; they practically refused, as long as it was possible for them to do so, to co-operate with him in importing rice when the necessity had become apparent to every one in India except themselves. It is true the whole blame is not theirs—blame in such matters as these rarely does concentrate itself on one head only—but the largest share of it certainly is. Every other condition might have remained as it was, and the famine in Orissa never have happened, if the Board of Revenue had done their duty.

THE LAW REPORTS.

THE Council of Law Reporting have published their account of the results of their first year's labour, and certainly they do not exaggerate the facts in saying that their success has been greatly beyond what was anticipated at the outset. At the commencement, indeed, few persons anticipated any success at all. The difficulties of every kind which surrounded the undertaking seemed almost to exclude all hope of a prosperous issue, but the event has shown that the sanguine and energetic originators of a very needful reform had measured their prospects more accurately than any of their numerous critics, though even their own estimate was far below what they have since achieved. In place of the 2,000 subscribers announced beforehand as essential to the establishment of the Reports, they are now able to count more than double that number, and the want of adequate support is no longer to be reckoned among the risks of the enterprise. All other dangers have been surmounted with unexpected good fortune, and at the commencement they were neither few nor trifling. The multiplicity of Reports, and the consequent expense to which lawyers were put, had no doubt long been regarded as a nuisance; but though almost all were ready enough to limit the number and cost of Reports, there was no sort of agreement in either branch of the profession as to the best way of attaining the common object which they had in view. One section would hear of nothing but strictly official reporting by barristers appointed and paid by the Government; and, in theory, it was difficult to deny that the authentic promulgation of the law embodied in judicial decisions was just as much a public duty as the issue of guaranteed copies of the Statute Law. But, besides other objections in detail, there was one conclusive answer to every proposition of this kind. There was no prospect of the Government undertaking what might prove a costly and troublesome office. Then another section of the profession was greatly enamoured of the advantages of free competition, and somewhat forgetful at the same time that the tax of more than 30*l.* a year imposed upon every member of the Bar who desired a complete series of the then existing Reports was the natural consequence of the system they admired. Besides the obstacles presented by these and other theorists, there were then in existence what were considered as vested interests in nearly twenty different series of Reports, and all these had to be dealt with either by compromise or by competition. Moreover, before the Bar scheme could be established on the proposed basis, it was necessary to obtain the adhesion of the five Inns of Court and the Incorporated Law Society, some of which bodies were known to be by no means favourably disposed to the project. And, as the last and not the least difficulty, the ways and means were some-

how to be found for starting a work involving an expenditure of something like 20,000*l.* a year without a shilling of actual capital. In the Report which they have just issued the Council tell us how they have prospered in this arduous undertaking. For a long time two of the constituent bodies of the proposed Council held aloof for reasons, as the Report puts it, of prudence and delicacy; and, of these two, one was the important Society of Serjeants' Inn, which numbers among its members the whole Common Law Bench. It was not surprising that the Judges should withhold their active co-operation until the success and stability of the new system of reporting had been thoroughly proved, and it is only recently that Serjeants' Inn has sent two of its members to represent it on the Council. Gray's Inn had associated itself with the scheme somewhat earlier, and the Council now represents the several branches of the profession, and is about, as it appears, to apply for a Charter of Incorporation to facilitate its future action.

The conciliation of existing vested interests was a more troublesome, and equally essential, business. Fourteen different publications enjoyed a rather ill-defined position as the so-called authorized Reports of the various Courts, and there were besides four serial Reports of decisions in all the Courts. It was obvious from the first that, unless terms could be made with the majority of these rivals, the new Law Reports would be unable to establish a footing, or at best could only add one more to the already excessive number of these publications. But here again patience, and tact, and good sense triumphed. A large number of the then reporters allied themselves with the Council at once. Others held out for a time, and then abandoned a hopeless opposition; until at the present moment the Law Reports have won exclusive possession of the field, with the exceptions only of the *Queen's Bench* and *Law Journal* Reports. We have omitted the two weekly series which are still continued, not with any idea of disparaging them, but because they scarcely enter into competition except with the Weekly Notes which form a subordinate adjunct to the Law Reports. It is satisfactory to find that the Council have effected this extensive clearance with little injury to previously existing interests, and that they speak of their still surviving rivals with the respect which they undoubtedly deserve.

The financial difficulties, which at first appeared insuperable, were surmounted by the enterprising co-operation of Messrs. Clowes, and no difficulty seems to have been experienced on this score. On the contrary, the Council have been able to do more than they originally promised, for besides the reports of the decisions in all the Courts, they have given their subscribers a complete authorized copy of the Statutes, and have added a weekly publication containing brief notes of decided cases, and particulars of legal business. We must confess that, when the Bar scheme of Law Reporting was first announced, we never expected to see such a report of its first year's working as has now appeared, and we can but congratulate the Council and the profession on the realization of what certainly looked like a visionary, though well-meant, project.

In spite, however, of what they have done, the Council have still work enough before them. It is one thing to obtain success, and another to make a good use of it. It is much no doubt to have saved the profession an annual outlay of many thousands, to have rooted out the indolent system of delaying reports for years after the cases were decided, and to have largely diminished the labour of consulting the Reports. But a Council comprising many of the most eminent, and some of the most energetic, members of the profession ought not to stop short at any moderate success. The Council tell us, in their Report, that for a subscription of five guineas they supply "a complete body of the case and statute law of the year—the statute law in an authorized form receivable as evidence in all Courts and places; the case law in a form which, possessing the advantages, to a greater extent than ever before realized, of skilful preparation, careful editing, and judicial revision, is calculated to acquire and maintain its recognition by the Judges, the Bar, and the entire profession, as the standard of authority." We do not question the fairness of this statement, but, admitting it all, it is not enough. The Law Reports ought to be not merely better than those they have displaced, but as nearly perfect as is consistent with reasonably prompt publication, and it is impossible to deny that there is still room for improvement. No one can read the Reports carefully without finding considerable inequalities of performance in the reports from the different Courts. It is no excuse to urge that this may be predicated of every series of Reports that has ever appeared. With the ample means they have of commanding first-rate work, and with the benefit they enjoy of judicial assistance, the Council ought at once to bring up every part of their Reports to the standard which the greater portion of the work has attained; and, moreover, to raise that standard in each successive year. Nor do we see any reason why, at the same time that higher excellence is attained, the cost should not ultimately be diminished. Of course price is merely an affair of the subscription list. With a sufficient circulation, the smallest excess above the cost of paper and printing is enough to cover a very large amount of expense in the original production; and the 4,000 and more subscribers that the Council speak of form but a small proportion of the entire body of English lawyers. Even if we were to double the number as an allowance for those who may be content with newspaper reports, or may continue to take in the *Law Journal*, the special community for

which the Council professes to cater would be far from exhausted, and it ought to be possible to obtain sufficient support to enable every lawyer to get his Reports at the lowest price consistent with efficiency. For the present, however, we have no right to complain that the Council do not give full value for the money they demand. But having done so much already, they must excuse us for expecting from them continuous improvement from year to year.

We observe that the question has been mooted in the press whether the time has not come for conferring on the Law Reports the privilege of exclusive citation. But we do not think this would be either fair or practicable. It is in vain to tell a judge that he is not to gather information as to the law from any source from which he can obtain it. The only honest way in which any one can secure an exclusive position is to satisfy the world that he deserves it, and we think this principle applies to the Council, notwithstanding their quasi-official position. We are glad to say, however, that we find no hint in the Report of the Council of a desire to obtain that exclusive possession of the Courts which some of their enthusiastic friends have claimed on their behalf, and we are satisfied that the proposal (however plausible after what has already been done) would not commend itself to the majority of the profession. The old evil of multiplied reports of every case is already very largely diminished, and, so far as it still exists, we believe the Bar would rather bear it for a time than attempt any violent means of bringing it to an end. Sooner or later, either by arrangement or by the logic of facts, we are pretty certain to arrive at a single dominant, if not exclusive, set of Reports, and to enjoy the economy which such a system, when freed from the incubus of proprietary interest, cannot fail to bring; but no unfair means ought to be taken to hasten this desirable consummation. A rival to the Law Reports so creditably conducted as the *Law Journal* (the only publication of any moment which remains in the field) ought to be allowed to choose its own time, and, as far as may be, its own terms of absorption, without any appeal to superior authority to hasten its extinction, if such is to be its fate. It is true that there is a serious waste in printing twice over every case that is reported, and that the money must ultimately come out of the pockets of purchasers; but the eight or ten thousand a year thus lost to the profession will not perhaps have been wholly thrown away. The stimulus of a little healthy opposition may probably have had something to do with the results already attained, and an immediate success more absolutely complete might, after all, have been less real and lasting than that which has rewarded the labours of the Council.

PICTURES OF THE YEAR.

XII.

WE have too long delayed our notice of Mr. Poynter's now famous picture, "Israel in Egypt." Its almost universally favourable reception may be regarded as the final triumph of local truth in historical art. No critic of the classical school would admit that such a picture as this could be a great picture, for it represents, or faithfully endeavours to represent, the life of the Israelites and their masters as it is known to have been in reality, and not as Raffaele would have imagined it. And because we approve of Mr. Poynter for having cared for this kind of truth, we are likely to incur the contempt of a class of connoisseurs, more numerous happily in France than in England, who follow the traditional policy of misrepresenting the opinion they denounce. Let us endeavour to state this opinion so very clearly that such misrepresentations shall mislead no reader of ours. When we approve of such local truth as Mr. Poynter has sought for, we do not say that it is an artistic quality at all; we are so far from setting up the recording of historical or scientific facts as the chief end of art, that we consider them non-essentials in art. A picture may be archaeologically wrong from beginning to end, and yet be pictorially magnificent, and consequently of inestimable value; or a picture may be studied with the most minute accuracy as to every historical truth, and yet be pictorially bad, and consequently quite worthless. But, on the other hand, we believe that fidelity to local truth need never hinder a true artist from reaching the artistic qualities, and we differ from traditional critics in taking no offence at local truth when we see it. We go yet a little further, and are glad to have it, not however on artistic grounds, but because we should be so much inconvenienced by its absence as scarcely to be able to give due attention to the artistic qualities. For instance, if, instead of Egyptian architecture, Mr. Poynter had here given us the architecture of the Renaissance, and instead of Egyptian costume the costume of the sixteenth century after Christ, his picture might have been just as good, but we should have felt a positive embarrassment on account of its glaring anachronism, which would have diverted our attention from its merits, and even taken away a great deal of its meaning. The rule about archaeological accuracy may be easily laid down. There ought always to be enough of it to avoid offence, so that the mind of the spectator may be free to receive the intended artistic or moral impression. In these days everybody has some notion of what the ancient Egyptians were like, and it would not be safe to paint them without some truth of costume. Mr. Poynter is accurate enough, yet not absolutely accurate. His granite lion belongs to the time of Amenophis III., and the Pharaoh of Exodus was a later sovereign, but this signifies little. What we chiefly

care about in Mr. Poynter's picture is the terrible impression which it conveys of the sort of work the Israelites had to do. It does not look like what is conventionally accepted as "sacred art," having none of the affectations of that branch of commerce, but no sermon on the same text ever went more directly to the point. Under the deep Egyptian sky and the burning sun of Africa, they are raising the great temples of the gods. We are between the Nile and the hills, perhaps the hills of Thebes. There is a rock city in the distance in the hill-side, and between it and the groups in the foreground are a pyramid and great temple with groves before it, and other distant temples and obelisks, with palm-trees here and there. To the right is a lofty temple, just finished and covered with bas-reliefs, on which the gaudy colours are still perfectly fresh and new. Near its wide entrance are seated colossal statues, grim and dark. Granite lions are being dragged into the court, and one of these lions, most forcibly and brilliantly painted, is on a strong platform in the foreground, mounted on ten thick low wheels. A crowd of naked Israelites are pulling this, and a man is driving them. This man is on the carriage, and has a stool to sit upon, but he has just risen from it to launch a long terrible whip-thong against some naked slave. Behind him stands a negro holding a large parasol to shelter the driver's head. A great personage comes behind, driving his own chariot, also shaded by a huge parasol, and preceded by men bearing fans of peacock's feathers at the end of long poles. Nearer us is a lady of high rank in a litter, and she has a robust child with her whose plaything, in this instance as significant as it is natural, is a whip with a heavy lash. And whilst the Israelites toil and faint, dancers dance before the princess with instruments of music.

The picture suggests a great deal; it reminds us of all kinds of questions about labour which cannot be entered into here. One great reason why it has become so famous is its readily felt allusion to the relation between the labour of masses and the masters who direct it, and the purposes, often apparently so useless, for which these masses toil and die. We can scarcely help regretting that the design should have been turned into a political caricature by Mr. Tenniel, although fully relishing the wit of the caricaturist. It seems wrong to spoil a good picture by attaching to it incongruous associations. We can no longer look at this granite lion without thinking of Mr. Disraeli, and the suffering Israelites recall a group of politicians who sometimes play comedy very pleasantly, but never reach such serious tragedy as Mr. Poynter wished to set before us. A few words are still due to the pictorial qualities of the work. It is a piece of brilliant and essentially modern painting, with strong realization of substances and surfaces as well as character. The lines and colours of Egyptian architecture are difficult to deal with in a picture, for they are both ugly and crude; but Mr. Poynter has managed them so skilfully that we do not perceive this, and only realize the intolerable glare of sunshine and the marvel of the great labours that were here achieved in spite of it.

Mr. Frith's elaborate picture of "King Charles the Second's Last Sunday" is not very interesting to us, and critics are liable to speak slightly of pictures they do not care about. Let us endeavour to avoid this error, in justice to a painter who is certainly clever, and spares no pains to gratify his own public. This picture is one of the great attractions of the Exhibition; indeed of all the works in the Academy it is the least accessible, for there is usually a well-packed group before it. The King is on a sofa between two mistresses, and there are courtiers near him, talking idly. At a little distance some noblemen are playing cards, for heavy stakes. There are some little dogs in the foreground skilfully painted, and there is much very able still-life painting in the accessories throughout the picture. The scene is well realized, and though the personages have been blamed for poverty of expression, we believe that there is quite as much expression here as there would have been in the living groups. Mr. Frith's workmanship has never been better, and though the costumes might tempt an artist to flashiness of manner, Mr. Frith has worked on the whole with a sobriety which is creditable to him. If we have studied the picture with something like indifference, it may perhaps be attributed to our having had enough of King Charles the Second and his harem, who are stock subjects for the pictorial stage.

Mr. Horsley returns to a subject which he illustrated many years ago, "Lady Jane Grey and Roger Ascham." We are reminded in the catalogue that Lady Jane was always very miserable with her parents, who were stern with her, and happy with her beloved tutor, who understood and appreciated her. No doubt there was yet a deeper difference than one of discipline and manner. A woman of refined intelligence, whose greatest happiness was in cultivating her intelligence, must have been grievously out of place in a society where intellectual culture was almost unknown. Few spectators will think that this picture conveys any lesson applicable to our own more advanced condition, and yet the highest culture, such as Lady Jane Grey aspired to, would still have a tendency to isolate a lady who possessed it, and would drive her to choose rather the society of cultivated men than the companionship of her natural friends. Highly-cultivated women, who are not at all "blue" in any offensive sense, find that their culture has this inconvenience. It throws them out of sympathy with the ideas most current in feminine society, and often deprives them of easy companionship in their own sex, especially when they live much in the country, where the choice of friends is limited. Many such women, as they look at this picture, will feel that Lady Jane Grey, although a type of their class, was not

its last representative. She lived in her books, not because she did not appreciate human intercourse, but because so little true intercourse was possible to her. Roger Ascham was the only living friend who did not seem brutal by comparison with the noble dead she delighted in; and, when he came, her longing for true society was satisfied. She must have seemed a contemptible little bookworm to her merry hunting friends. Here she sits, in her simple gray dress, very neat and tidy as becomes so gentle a student, surrounded by the implements of her beloved pursuits. Ascham is looking in through the window; she does not know yet that he has come; he is bringing with him the warm sunshine of human sympathy to brighten for one hour a life quite chilled with loneliness. Mr. Horsley's way of painting is so well-known that we need not dwell upon it in this place. It is enough to say that this picture is in his best manner, and consequently equal to the better work of our second-rate artists. This may seem faint praise, but it is not intended as unfavourable criticism.

We have already noticed the best of Mr. Millais's works, the "Minuet," intentionally reserving his other contributions. The "Jephthah" is a failure, though there are passages of remarkable painting in it. Mr. Millais is not organized for such art as this subject demands. Jephthah is a gentlemanly old man, and his daughter an agreeable young lady, but they look like people in a *tableau vivant*. The fault may lie in our want of imagination, but we have been altogether unable to get back into Biblical life before this picture, which has not impressed us at all. These are mere actors, and the painter has only set them in their places. Spectators admire the shield of Jephthah—a bad sign, for, if the picture had hit its mark, no one would have thought about the shield. Perhaps the subject is so terrible as to elude the grasp of painters, and pass the limits of lively public sympathy. Human sacrifices are proofs of devotion which modern feeling does not willingly dwell upon, and when a man is going to kill his own daughter rather than break a foolish vow, he may be doing right, but we cannot overcome our repugnance to his action. The two pictures of children, "Sleeping" and "Waking," are appeals to parental sympathies. Everybody who has a child, and loves it, and has watched it when asleep, is likely to feel interested in this fine little boy who is lying asleep with the gathered flowers before him. There is very clever painting in both pictures, but the bed is an awkward and unmanageable object, and the artist has certainly not conquered the difficulties it presented. It is almost cruel to remind Mr. Millais of pre-Raffaellism, which he has now so long abandoned; but we cannot help observing that Millais and Holman Hunt, who in their youth especially aspired to more serious aims than the aims of their predecessors and contemporaries, have now apparently no objection to subjects of slight interest, and are not intellectually distinguishable from other accomplished painters. The question about the importance of subject in art is too large to be considered here, but it is understood that one of the chief tenets of pre-Raffaellism was that artists ought to choose great themes, and that art was degraded by the frivolity of the ideas which it condescended to illustrate. A like theory has been advanced by Mr. Matthew Arnold with reference to poetry; and whether there is any general truth in this creed or not, it is certain that the best things which he and the artists we have named have yet done in poetry and painting were done in obedience to it.

REVIEWS.

DE MAISTRE'S PRINCIPE GÉNÉRATEUR.*

IN noticing De Maistre's *Considerations on France and Letters on the Spanish Inquisition*, we said a few words of that part of the first-named essay which relates to written constitutions, and which is expanded in the *Essai sur le Principe Générateur des Constitutions Modernes*, the most original and systematic of its author's speculations. It has been the source of commonplaces which are repeated in all directions and on all occasions by writers who have no notion of the source from which they derive them. The following is an outline of its contents:—

The preface begins by laying down the principle that "Whatever in this science" (politics) "good sense regards at first sight as an evident truth, almost always turns out, when experience has spoken, to be not only false, but fatal"; and after giving various examples, he goes on to lay down a variety of principles which he says are proved by experience to be true in "the most substantial and most fundamental part of politics, that is to say, in what relates to the very constitution of empires." These principles are as follows:—

1. No constitution results from a deliberation; the rights of the people are never written, or, if they are, it is only as a simple declaration of anterior unwritten rights.
2. Human action is circumscribed in cases of this sort to such a degree that the men who act are only circumstances.
3. The rights of the people, properly so called, proceed almost always from the concessions of sovereigns, in which case they may be in evidence historically; but the rights of the sovereign and of the aristocracy have no known dates or authors.
4. Even these concessions have always been preceded by a state of things which has made them necessary, and which did not depend upon the sovereign.

* *Essai sur le Principe Générateur des Constitutions Politiques et des autres Institutions Humaines*. Par le Comte Joseph de Maistre. (First Edition). 1809.

5. Though written laws are never more than declarations of anterior rights, it is far from the truth that all rights can be written.

6. The more writing the weaker is the institution.

7. No nation can give itself liberty if it has not got it, as human influence does not extend beyond the development of existing rights.

8. Legislators properly so called are extraordinary men who belong perhaps only to the ancient world and the youth of nations.

9. These legislators, with all their marvellous power, have never done more than collect pre-existing elements, and have always acted in the name of the Divinity.

10. Liberty in one sense is a gift of kings; for almost all free nations were constituted by kings.

11. No free nation ever existed which had not in its natural constitution germs of liberty as old as itself, and no nation ever tried effectually to develop by its written fundamental laws other rights than those which existed in its natural constitution.

12. Assemblies of whatever kind cannot constitute nations. Such an enterprise ought to be placed amongst the most memorable acts of madness.

These principles, which are announced in a body in the preface, are expanded and supported in the body of the essay itself. De Maistre begins with considering the nature of laws. A law, he says, is not, as Locke declared, "the expression of the general will"; such laws are mere regulations (*règlements*). A law (*loi*) is the expression of a superior will. He quotes Bergier for the remark, "Sans le dogme d'un Dieu législateur, toute obligation morale est chimérique. Force d'un côté, impuissance de l'autre, voilà tout le lien des sociétés humaines." Hence "primordial good sense, happily anterior to sophisms, has sought on every side a sanction for its laws in superhuman power, either from God, or in revering certain unwritten laws as emanating from him." Fundamental law, "ce qu'il y a de plus essentiel, de plus intrinsèquement constitutionnel et de véritablement fondamental," never is written, and never can be written, without danger to the State. The English Constitution, in particular, abounds with proofs of this. It is, he says, "l'unité la plus compliquée et le plus bel équilibre de forces politiques qu'on ait jamais vu dans le monde." It was made by circumstances infinite in number, and the fact that out of these numerous and discordant elements there arose such a whole is as clear a proof that the English Constitution was made by God, and not by man, as the fact that letters thrown out of a window formed a poem when they reached the ground would be of the fact that they were guided in their fall by some intelligent cause.

The greatest of all cases of an unwritten law is to be found in Christianity. The New Testament contains no system of dogmas imperatively announced. Creeds in all ages have been the work of heretics. "If Christianity had never been attacked it would never have written to fix its dogmas; though, on the other hand, dogma has never been fixed by writing, except because it existed before in its natural condition of word." The true authors of the Council of Trent were Luther and Calvin. "The faith would be a thousand times more angelic if a sophistical opposition had not forced it to write; it weeps over the decisions which revolt dragged from it, and which were always misfortunes since they all suppose doubt or attack, and could not be born except in the midst of the most dangerous convulsions. The state of war raised these venerable ramparts round the truth; they defend it no doubt, and make it impregnable, but by that very fact less accessible." Christianity, considered as a system of Church government, follows the same principles. The superhuman character of the Papal authority is proved by the fact that, like all other great and lasting things, it was developed by degrees, having in its infancy been altogether a different thing from what it afterwards became. This supernatural character of all law, properly so called, is further proved by the fact that all ancient legislators surrounded their institutions with religious sanctions, and that the only cases in which savages have been civilized by Europeans are cases in which they have been civilized by missionaries, Paraguay being the great illustration.

So small is mere human power in the matter of legislation that men cannot even reform efficiently. "De là cette aversion machinale de tous les bons esprits pour les innovations. Le mot de réforme on lui-même et avant tout examen sera toujours suspect à la sagesse." Men cannot even name an institution if they try to do so. The names which really last are names given by accident—"Sceptre," "Chancellor," "Constable," "Tuileries," &c. We must always distrust "tout nom pompeux imposé à priori." A rather unlucky illustration of this is given in the *Considerations on France*. The Americans, he says, propose to build a town, to be called Washington, where the Congress is to sit. "There is too much deliberation, too much humanity in this affair; you may bet a thousand to one that the town will not be built, or will not be called Washington, or that the Congress will not sit there." If ancient history is not sufficient to demonstrate the truth of his principles as to the Divine origin of society and sovereignty, De Maistre appeals to contemporary history to complete his case. The elimination of the Divine element from society he considers is proved by modern experience to be destructive to all institutions. The general spirit of the eighteenth century was that of "an insurrection against God." People had doubted and had denied in other ages, but in no other age had their denial taken the form of hatred against all that is holy. He puts into the mouth of the philosophy of the eighteenth century the following passionate burst of blasphemy addressed to the Almighty:—

Leave us. Must we then eternally tremble before priests, and receive from them such instructions as they choose to give us? Truth all over Europe is hidden by the smoke of incense. It is time for it to emerge from this fatal cloud. We will speak of thee no more to our children; when they grow up to be men, they will have to find out for themselves whether

thou dost exist, what thou art, and what thou dost ask of them. All that exists displeases us because thy name is written on all that exists. We will destroy all, and remake it without thee. Get out of our councils, get out of our universities, get out of our houses; we shall know how to act for ourselves; reason is enough for us. Leave us. . . . How [he continues] has God punished this execrable madness? He has punished it as he created light—by a single word. He said, *De (faites)*, and the political world fell.

These are the leading points in this remarkable essay—remarkable as the first, the most eloquent, and the most plausible protest ever made against what its author called, in general terms, “modern principles”; remarkable as containing, in a short and pointed form, the whole of that theory of Development which Dr. Newman has made so celebrated in our own country; remarkable as one of the earliest works in which the general principles of what we should now call historical science are put forward, though not correctly, in the form in which we are accustomed to them; and remarkable, lastly, for the vein of ingenious sophistry which runs through it from first to last, and which vitiates every one of its conclusions when they are closely examined. No man in modern times ever admired the Jesuits more than De Maistre. No man ever exhibited in a more striking shape the characteristics which are usually ascribed to that Society—their dexterity, their plausible subtlety in talking the language of each successive generation, and the one-sided sophistry which even in the most sincere has all the effects of insincerity. With these observations we will proceed to examine the general principles of the essay, and try to point out the fallacies by which it is pervaded.

The general object of the whole essay is to surround the origin of all Governments with mystery, to represent all political institutions as divine, and to deny that men made, or can make, or improve them. This is made out by misrepresenting a fact of the highest importance which De Maistre apprehended imperfectly (for no one can accuse him of conscious sophistry), and by misusing a familiar word. The fact misrepresented is the fact that men did not make human nature itself. The word misused is the word “law.” If these points are properly appreciated, they will supply the key to the whole of De Maistre’s arguments, and to many others conceived in the same spirit. First as to the fact. It is an important truth that the power of legislation is bounded by human nature, and that no legislation can be either permanent or useful which is not founded upon facts over which the legislator has no control whatever. The general outline of morality, family relations, and all the leading human passions, together with the consequences which they produce, precede legislation. They were the materials with which the first legislators, whoever they may have been, had to deal; just as the existing state of things, the existing distribution of property, intelligence, population, &c., are the materials with which those whose business it is to frame Reform Bills have to deal in the present day; and no doubt any laws which had been made in complete disregard of those facts would have been broken through, and would not have lasted. Not only is the proposition that the power of legislators is bounded by circumstances perfectly true, but it is a truth which no legislator ought ever to forget, however much he may be disposed to do so. It is highly desirable, for instance, that we in this country should be generally aware of the fact that it is not in the power of Parliament either to make England as democratic as the United States, or to prevent it in the course of time from becoming so, if in point of fact the course of events and the general progress of society tends in that direction. In the same way, it was not in the power of the various legislators who in the last century made laws for America to alter the natural course of events there. The constitutions devised by Locke and others for different States which now form part of the Union were mere pieces of waste paper. The appreciation of this fact lies at the bottom of all intelligent study of history, and of all sound practical legislation, and De Maistre is entitled to great credit for having perceived its existence; but the more his views are examined, the more closely will it appear that he saw the fact itself through a distorted medium, and described it in language altogether incorrect and misleading. He draws from the facts that men did not make their own nature, and that laws which are not founded upon and not agreeable to that nature are not permanent, the inference that laws which are permanent are not made by men, but are imposed by God. It would be just as reasonable to say that God builds line-of-battle ships, because men do not make the materials. Of course there is a sense in which it may be said that everything whatever, the worst things as well as the best, the most insignificant as well as the most important, are the work of God; but as this may be affirmed of everything whatever, there is no use in affirming it of any one thing in particular.

De Maistre was more or less conscious of this difficulty, and he accordingly tried to meet it by the second expedient which we have mentioned—playing upon the word “law.” He draws a distinction between a law and a regulation, and he says that though men may make rules (*règlements*) God only can make laws, and that the instruments which he chooses for this purpose are certain semi-divine legislators, who appear only in the infancy of nations and legislate for them. It is certainly true that laws in very ancient times were regarded as something supernatural; but it is equally true that the more these supposed supernatural laws are examined the more clearly will it appear to be impossible to point out any substantial distinction between them and the laws, commonly so called, which are made every day by all the govern-

ments and most of the courts of justice in the world. This may easily be tested by taking a specimen of each class. If De Maistre had been asked to give an instance of a true law in his own sense of the word, he would probably have chosen the law of the old French monarchy, that France should be a monarchy hereditary in the male line. If he had been asked to mention a *règlement*, he might have taken any English Act of Parliament at random. Let us consider, then, whether there is any substantial generic difference between the two. When we say that for many centuries—fourteen, if any one pleases to say so—it was the law of France that sovereignty should be hereditary, and should exclude women, what do we mean? We mean that during that period all the parties concerned were accustomed to act upon that principle, and that any one who acted on a different principle did so (as Edward III. did) at the risk of being resisted, defeated, and, if he were a private person, punished, by the public force of the French nation. Foolishly or not, such was the fact; and the short rule, generally known to all the world, which commemorated the fact, was the law of France. If the French from any cause had ceased to act upon or enforce it, it would no longer have been a law. It would still have been a principle to which it might have been wise to attend, but its quality as a law depended upon the fact that it could not be disobeyed with impunity. This differs from the most petty provisions in the most commonplace Act of Parliament only in respect of their comparative importance. Each is a rule affecting human conduct, and each is a rule capable of being enforced by penalties against all who violate it, and each would cease to be a rule, and become a mere speculative principle, if the sanction by which it is enforceable were to be withdrawn. If, then, there is no difference except a difference of degree between the most solemn and important and the pettiest and most technical of laws—between what De Maistre calls a law and what he calls a regulation—and if he himself admits that regulations are continually made by men even in matters of great importance, what necessity is there for assigning any mysterious origin to what he calls laws? Why should not the one be made by men as well as the other?

This line of thought supplies the answer to De Maistre’s observations about written laws, their supposed foundation in pre-existent rights, and the supposed weakness inherent in constitutions which require them. Rights are the creatures of laws, and cannot precede them. They may of course be conferred by an unwritten as well as by a written law; but it is impossible to frame any intelligible notion of a right without a law from which it is derived. So long as Robinson Crusoe lived all alone in his island, he had no rights. He could have none till other men, subject to a common superior, divine or human, joined him. When a law is unwritten and is liable to be differently understood by different people, the rights which it confers are ambiguous; and thus, when it is put into writing, what happens is not the confirmation of pre-existing rights, but the establishment of a particular set of rights, to the exclusion of all others. A written law which fixes once for all the meaning of what was ambiguous before is as much an innovation as any other. A reading which confined the line

Aio te Jacida Romanos vincere posse

to one of its two possible meanings would alter that which is most characteristic about it; and though Magna Charta and the statute which defines treason are declaratory in form, every one knows that in fact they both did confer, and were regarded as conferring, upon English subjects some of their most important rights. To say that a man has no right to a thing, but that he has a capacity of getting one, and to say that he has a right to a thing, but that his right is disputed and unascertained, is to say the same thing in different words. A right is a power conferred by law, and whilst the law is doubtful the right is only inchoate.

The truth is that, when De Maistre denies that men can legislate, because their legislation is founded on pre-existing rights, he means that they usually legislate by the help of fictions. They declare that such a thing is the law, when they really mean that for the future it shall be, and shall be considered to have been, the law. When judges pronounce on a new or unsettled legal question, they appear to declare, but they in truth make, the law upon the subject. They no doubt make it in accordance with principles and decisions laid down by their predecessors. They do not invent it entirely out of their own heads. They prolong existing lines, and complete an existing though imperfect plan, but they not the less cause that to be regarded as settled law which was before a moot point; and they thus alter a part of the law of the country. To remove obscurity is to alter. This is the true criticism upon that doctrine of Development of which De Maistre and Dr. Newman have said so much. Development is an active process. It is legislation and alteration—improvement possibly, but still alteration; and thus, in their anxiety to prove the immutability of their own dogmas and to restrict the sphere of human reason, these eminent men have only succeeded in showing how various are the forms which human activity assumes, and how it will do under one name what it considers itself to be forbidden to do under another. Men who will not alter, or legislate, or speculate for the world in plain words, are the most active of legislators, speculators, and innovators, under the fiction of being guardians of a tradition.

If we pass from De Maistre’s theory to his facts, we find that onesidedness and partiality are at least as characteristic of the one

as of the other. His argument contains, amongst other things, one of the most singular cases of "Heads I win, tails you lose," which are anywhere to be met with. The more writing, he says, the more weakness, and he quotes the New Testament and the history of Christianity as a proof of it. Here, he says, there was originally no writing at all. All was oral, and the heretics were the cause of the written dogmas. He then turns to the case of the Old Testament. Here there was a written law which founded the most durable institution in the world; for Judaism has lasted 3,000 or 4,000 years, and is based on the books of Moses. With this inconvenient fact De Maistre deals as ingeniously as Warburton himself. Precisely so, he replies; and what more convincing proof can you have of the miraculous origin of the Mosaic institutions? "Cette magnifique exception à une loi générale qui n'a cédé qu'une fois, et n'a cédé qu'à son auteur, démontre seule la mission divine du grand législateur des Hébreux bien mieux que"—Warburton's *Divine Legation*. The two arguments appear to us to be much upon a par. How, by the way, came De Maistre to forget the Koran? There is a written law which governs, and has for more than twelve centuries governed, the consciences of men, without much variation, from Delhi to Morocco. Is this a diabolic miracle? If every fact in his favour was natural, and every fact against him miraculous, De Maistre was fortunate. As to writing proving weakness, it is no doubt true that written laws shackle the discretion of legislators and of the executive power, and this under some circumstances may be a bad thing. It is also quite true that to write laws wisely requires great experience and consummate care. To suppose that a lasting constitution may be written some morning before breakfast, and that such a scheme can change the whole character and social condition of a country, is simply a childish error, into which no doubt many people have fallen at different times; but to argue from this that written laws on constitutional subjects, and proceeding upon deliberation, are useless or impossible to make, is to argue at random, and to fly in the face of all experience. Written constitutions are to be found in every branch of human affairs. What else is the lease of a house, a marriage settlement, a partnership deed, the articles of association of a joint-stock company, the charter of a town? Every English colony has its written constitution, and the written constitution of the United States, made in express defiance of all De Maistre's principles, has for about eighty years succeeded in the most marvellous manner. The fact is that writing, like everything else, has its place in human history. There is a period after which it is as natural and necessary for men to write their constitution as it is natural for them in simpler times to leave it unwritten, and evils are as incidental to the one as to the other state of things; but, whether a law is written or unwritten, its nature is always the same. It is a command which imposes duties and confers rights. The writing is only evidence of its terms.

As to the last part of De Maistre's essay, it may be observed that his etymological observations are perhaps the happiest part of the whole work. They are beautiful as guesses, but as arguments they may be described as good taste run mad. Nothing certainly can be more vulgar or offensive than the unnatural and pretentious names of which so many were invented under the influence of the French Revolution; and it is very true that names originally vulgar, but ennobled by historical associations, have something specially racy and attractive about them. But etymology, especially as De Maistre understood it, is not definite enough to support the sort of propositions which he wished to build upon it. He knew just enough of it to make fireworks of, and his fireworks are singularly graceful and ingenious. There is a shrewdness in some of his observations on this head which reminds one of Mr. Carlyle.

As to the argument of which his etymology forms one branch—the argument, namely, that the divine origin of law is proved by the fact that the exclusion of the divine element from politics by the revolutionary spirit led to the downfall of the political world—nothing can be more false. Whatever may be the truth as to the exclusion of the divine element from politics, it is idle to assert that the political world has fallen to pieces. The very contrary is the fact. Political institutions throughout the whole of Europe and America are far stronger now than they were before the revolution. Whatever may be thought of the United States, it is impossible for any sane man to deny the broad fact that there stands one of the firmest and strongest Governments in the world, founded upon the very principles which De Maistre denounced as atheistical, and realizing the very project (that of a great republic) which he declared to be not only impossible, but to involve a contradiction in terms, like a round square. Every part of Europe is moving in the same direction under a variety of conditions.

The great blemish which is inseparable from all such speculations as De Maistre's is that they regard the greatest movements of modern times, the Reformation and the Revolution, as simply negative and destructive. No movements in fact were ever so creative. It was the mass of the living and growing body which burst the old clothes. The new order of things which we see growing up in all directions—lay government, lay science, natural religion—are positive and living if ever anything was. The new elements introduced into human life by Christianity itself were not more full of vital energy and reality than those which have been fostered and partially thrown into shape by the movements of the last three centuries. The real cry of the eighteenth century was not a blasphemous cursing of God, but an exceeding great and bitter cry against

what it regarded, and not wrongly, as a blasphemous and in some respects fraudulent misrepresentation of the divine character. Men did not call upon God to leave them, but upon kings and priests, who claimed to be God's agents, to stand out of the light of mankind, and let them see for themselves what the divine will and character were. Such at least was the case with many of the most audacious writers of the eighteenth century. To describe Voltaire and Paine, for instance, as atheists is a gross calumny. Sour and narrow-minded pedant as he was, Robespierre believed in his *Être Suprême*; nor will any one who looks with anything like an unprejudiced eye at the theories of our own age and nation venture to deny that, with all their confusion and conflict, they are rapidly bringing into existence an order of things which, whether good or bad, shows as much promise of stability, and of producing a powerful effect on the character of the human race, as any that has preceded it.

RAIKES'S ENGLISHMAN IN INDIA.*

"CURRIE, Rice, Raikes, Yellowley, Le Fevre, and Co." was a Calcutta firm which owed its sole existence to the fertile and ingenious brain of poor Theodore Hook; but so artfully are the names selected, and so felicitously in particular is the third member introduced, that none of us would think it the least out of the way if Mr. Reuter informed the world that a firm so entitled had failed for sundry crores of rupees, or that their head clerk had been subpoenaed to Simla to give evidence as to the identity of the historical pot of sardines. Curry and rice are not more suggestive of Oriental ways, nor yellow-fever of tropical agremens, than the name of Raikes is of Leadenhall Street and the Hooghly. We should always consider that a member of such a family had a prescriptive right to deliver himself on Oriental subjects, even if the friendship of some Indian councillor had not decorated his name with the affix of C.S.I., or if his own services had not enabled him to state on his title-page that he was "formerly Commissioner of Lahore, Judge of the Sudder Court in the North-west provinces, and Civil Commissioner with Sir Colin Campbell." It was further the fortune of Mr. Charles Raikes to find himself settled in a neighbourhood where the farmers were so ignorant of comparative anatomy that they believed antelopes to be birds, and, in addition, to be acquainted with a periodical called the *Monthly Packet*, which opened its columns to his effusions. Being thus provided at once with a field requiring instruction, and a vehicle for giving it forth, the Companion of the Star of India rushed into print. Under less favourable circumstances we think it possible that our author might have rested satisfied with sending a few receipts for chutney to the *Ladies' Gazette*, or of writing to the *Field* on the "wonderful double shot I once made at antelope"; but the fates determined it otherwise, and the public has been treated to the *Englishman in India*. And here we must ask Mr. Raikes whether he seriously considers that what may be fitting food for the *dura iha* of the bucolic population of Netheravon, whence he dates his preface, should also be offered for sale as proper mental pabulum for the general public of Great Britain and Ireland? Our readers, however, will not require to be told that Mr. Raikes would answer this question in the affirmative when we inform them that his preface lays down the extraordinary postulate that, in proportion as one author retails badly what another author has previously said well, so does the former establish a claim to the gratitude of the public. Such at least is the only meaning we can attach to the words, "It was necessary for me to walk on paths already partially trodden by abler men; that I have so ventured is the best proof I can give of my sincere wish to improve and to interest my readers." If it be true that a writer does establish a claim to our gratitude by such work, Mr. Raikes's account against us must indeed be a heavy one, for fully one-quarter of his book may be best described as an elaborate attempt to dilute Macaulay into Macaulay and water. He afterwards repeats the process with Kaye's Sir John Malcolm, Marshman's Havelock, and Gleig's Sir Thomas Munro, and winds up with three chapters from a former work of his own which he gives entire, modestly feeling perhaps that they are watery enough already. In fact the method adopted in this *Englishman in India* establishes a sort of standard of power, or Raikesometer, by which one discovers the relative strength of each author by his capacity for bearing dilution. Marshman and Gleig turn into just nothing at all; Kaye bears it pretty well, but retains no special flavour; while the "race" of the truly great writer is present through every disguise. Occasionally, indeed, our author retains not only the felicitous illustrations of Macaulay, but the *ipsissima verba* in which they are conveyed; and as he drops no hint that they are quotations, his readers are left to conclude that they are his own, and (to give one instance) are no doubt at this present moment under the delusion that it was from a diligent personal study of the contemporary price-currents of Ludlow, Claremont, and Berkeley Square that Mr. Raikes discovered that the return of Clive had "raised the price of everything in the neighbourhood, from fresh eggs to rotten boroughs."

It is now time that we should offer a specimen of Mr. Raikes's own composition, and we cannot do better than transcribe the opening passage of the work, from which our readers will be led to infer that the writings of the late Mr. G. P. R. James had soled

* *The Englishman in India*. By C. Raikes, Esq., C.S.I. London: Longmans & Co. 1867.

many a weary hour in the Cutcherry at Lahore, the Court at Agra, and the camp of the Commander-in-Chief:—

It was the month of May—a month, as we all know, full of sweet sounds, pleasant sights and budding joys in England, but in the plains of India a season of heat, glare, and dust, when the earth is baked, and the air on fire. Instead of the song of the thrush, you have the husky note of the crow, who, with open beak, sits protesting against the weather. Instead of the burst of buds and flowers, there is a general drought, and a brown parched world out of doors. [On] Such a day as this, in Upper India, a young Englishman seated under the punkah, and within the influence of the wetted mats of fragrant grass, was in earnest conversation with a Mahomedan gentleman, a native of Lucknow.

The Mahomedan, or elder cavalier, at length rises to take leave of the Englishman, or younger cavalier, but before mounting his stately destrier (getting into his palanquin) he “glances at the fair complexion and waving brown hair” of his companion (attributes much cultivated by the youthful porphyrogeniti of Leadenhall Street) and “pointing to the howling waste beyond, said, ‘Did the Almighty ever intend that you English gentlemen should come to live in such a climate as this?’” The polite question of the Mahomedan, coming on the top of the husky protest of the crow, made a profound impression on Mr. Raikes’s mind. It was evident, he is pleased to say, that “the Almighty had no small or temporary object” in placing men with waving brown locks in a climate which crows and Mussulmans declared to be too bad for them, and he therefore resolved to write to the *Monthly Packet* to vindicate the ways of God to man, and “to show the gradual development of this great fact, the British Government of India, as also to inquire what lessons for the future may be gained from the experience of the past.”

With this object he turns to Vasco de Gama and his discovery of the sea road to India. “Foolish people,” he says, “sometimes look slightly at trade, forgetting that commerce is the pioneer, not only of civilization, but even of religion.” But “foolish people” are also very apt to mistake cause for effect, and it appears to us that in the fifteenth century in Spain and Portugal it was the passion for religious propagandism that begat the rage for maritime discovery, and that in this way religion was the pioneer of commerce rather than commerce the pioneer of religion. However this may be, the name of Vasco de Gama leads naturally to Camoens, whose poem he imagines to be called the *Luciad*, and to be glorious and immortal; and to St. Francis Xavier, who, he seems to think, was a Portuguese, and greatly inferior in the true essentials of an apostle of the heathen to the limp and meek youths, with “waving brown hair” and white chokers, whom he has seen superintendents of mutton clubs and honorary secretaries of ice societies in the North-west provinces. To quote his own words:—

Having often witnessed the anxious care bestowed by the missionaries of the Church of England on each single inquiring soul, the days of teaching, the nights of prayer—knowing also as I know how much the adult heathen has to unlearn as well as to learn before baptism, I look upon the hasty admission of thousands of bewildered ignorant men to the Church of Rome as a merely visionary and enthusiastic proceeding.

We have no wish to disturb the minds of the readers of the *Monthly Packet*, but we apprehend that the whole body of genuine converts made by the missionaries and chaplains of the Church of England in Upper India during the last fifty years could be stowed away in a single penny steamer without incommoding the ordinary passengers. And it is the contemplation of such a pitiful harvest as this that entitles our author to sneer at the labours of the enthusiastic and high-souled Xavier! How, too, does Mr. Raikes suppose that the English people were converted from Paganism? Did St. Augustine hurry in person to the wattle-and-dab hut which stood where Leadenhall Street now stands, and, after putting the first Christian Raikes through a course of mental aperients to cleanse his soul from all taint of Thor and Odin, Skogula and Zernebock, proceed to imbue his mind with the doctrines of original sin, the Atonement and the Trinity, and then, and not till then, lead him down the hill of Corn, and the hill of Lud, to his final dip in the limpid waters of Fleet Ditch?

Mr. Raikes’s next chapters are taken up with a series of extracts from the early English travellers, and although his researches are somewhat of the shallowest, and most of his information is given at second-hand, we certainly think it by far the most interesting portion of his book, and this in spite of his entering so little into the spirit of the age as to describe Sir Walter Raleigh as a “splendid example of the courtier merchant”! He also places that crackbrained coxcomb, Tom Coryate, in a higher rank as an Indian traveller than the chaplain Terry, the physician Fryer, or the envoy Sir Thomas Roe. But the point in which he most signally fails is to convey an idea of the six Mogul Emperors, Baber, Humayun, Akber, Jehangir, Shah Jehan, and Aurangzib, the most illustrious sequence of fathers and sons of whom history makes mention. Baber was a greater prince and soldier, and had a more loveable and simple character, than Henri Quatre. For an equal to Akber we must select the ablest of the Antonines. Jehangir and Shah Jehan would shine in a comparison with Louis XIV., and Aurangzib (the Nimazi, the pray-er) was as much superior to Louis XI. as Louis XI. was to an average modern detective. So little indeed does Mr. Raikes know of their history that he calls Jehangir the grandson of Akber, instead of the son, and speaks of the “best days of the Mogul dynasty having passed away” at a period when in truth their power had not even culminated. In smaller matters his carelessness or his ignorance is equally displayed. “Caliphs, Turks, Persians,

Affghans” are coupled together as if a Caliph were a tribe. In 1759 William Pitt is called “Prime Minister.” Lord Mornington is raised to be Marquis of Wellesley. His brother Arthur is created a K.C.B. years before there was any such rank in the Bath. Mr. Mill the historian is Mr. Mills. Sir John Malcolm is described as commanding the English army at Mahidpoor. Madame Grand is said to have become the *soidisante* wife of Talleyrand, as if the word were capable of inflection, or as if it were applicable to one whom all Europe recognised as the wife of that statesman. Sivajee, the great founder of the Mahratta power, is spoken of as a vulgar ruffian; and a strong resemblance is found between the characters of Sir Thomas Munro and Sir John Lawrence. Mr. Raikes doubts also whether Mr. Gleig is right in saying that Warren Hastings in his old age felt the pressure of poverty. We should wish to doubt it also, but unfortunately we have before us an autograph letter in which, at the verge of eighty, he pleads for delay to enable him to pay the interest due on a bond to Major Scott Waring, and “regrets that Major W. did not apprise me of his having consigned this with his other concerns to your charge, and spared me the present humiliating confession.” This is the Major Scott who in every respect was Hastings’s evil genius. In his old age he changed his name to Waring, and married an actress who had long been notorious for her gallantries. We feel a sort of malicious pleasure in recording the fact, and the epigram which was written on it:—

Still she’s young, and still she’s fair,
Our love and plaudits sharing;
And tho’ well known for service past,
She’s none the worse for Waring!

But we must have done with Mr. Raikes, and only fear that we have devoted an amount of space to his work to which its merits give it no claim. Possibly it may be thought that we have handled it with a severity from which the good intentions of its author ought to have protected it. But bad books on important subjects are mischievous in two ways. They not only mislead the ignorant who are induced to purchase them, but they deter the competent from entering on ground which is already occupied. As for “good intentions,” we all know the locality which is said to be paved with them; and in pursuance of this idea we venture to recommend the *Englishman in India* to the notice of the outfitters as well adapted for the lining of overland trunks, at the same time assuring Mr. Raikes that this is the only way in which anybody is likely to carry his work about with him.

ENGLISH MUNICIPAL HISTORY.*

WE are far too grateful for any attempt to direct attention to our municipal history to quarrel very seriously with Mr. Thompson about the ambitious title which he has prefixed to a very useful little book. The essay is in reality a careful account of the documents preserved in the civic archives of Leicester, and a very fair attempt to reconstruct from them the life and development of what may serve as a typical specimen of the common English town. It is a pity that Mr. Thompson should have imagined he could raise his little work into historic importance by chapters on Roman municipalities and French communes which turn out to be mere vapid compilations from Wright and Thierry, or by shorter accounts of other boroughs which, however interesting in themselves, necessarily want the fulness and weight which personal research has given in the case of Leicester. What in fact is needed, if the study of our municipal history is ever to be seriously undertaken, is a series of careful monographs on each individual town. There are very few which would not repay a search among their archives, and the local antiquary might well divert a little of his attention from tumuli and encampments to charters and civic rolls in which he could trace the life and growth of the town in which he lives. But undoubtedly the chief responsibility in this matter rests with the Government. No attempt has been made by the Master of the Rolls to follow up the three volumes which revealed the riches of the archives of London; although the stores even of London are far from being exhausted, and the Guild Rolls of Leicester, the Mayor’s Rolls of Bristol, and the Customals of Yarmouth and Preston point to hundreds of other treasures which are for all historic purposes unknown. No history of mediæval England has as yet attempted to reveal the actual life and thoughts of its people; in a word, the real history of our country rests buried in the dusty archives of its towns. We welcome then Mr. Thompson’s book just because it is a book of local research. In all the qualifications for a wider study of the subject he is strangely deficient; we cannot trust the historic knowledge of any one to whom Bede is a monk of “Yarmouth,” or expect much light on the general question of civic liberty from an author to whom the later publications on London, and the remarkable history of such a town as Bristol, seem to be wholly unknown. A philosophic grasp of any subject is always best shown in the accurate use of its technical terms. “Commune,” “prudhomme,” “jurats,” are, each of them, words of special significance in the study of civic history, but they are sprinkled over the pages of this essay without any apparent sense of their importance or any attempt to date the period of their first appearance. In the case of a yet more significant word indeed, we are told that it was not until the close of King John’s reign that the chief officer

* *An Essay on English Municipal History.* By James Thompson. London: Longmans & Co. 1867.

of London was styled the mayor. But Mr. Thompson has mistaken the date of the charter which recognised the existence of this new officer for the date of his first appearance; the Mayors' lists show that Fitz-Alwyne had borne that title from the later years of Richard I. In the special treatment of his own borough we are most dissatisfied with the treatment of the charters. They are translated into English, with which we do not quarrel; but although a couple of pages would have sufficed for the originals in French or Latin, the original charters are nowhere to be found, and we are forced to trust to the translator for the accuracy of his version. And of Mr. Thompson's competence in this matter we have very great doubts indeed. When we find a charter of Earl Robert of Leicester witnessed by "R the Primate" and "Baldwin the Primate," we may guess at "primacerius" in despair of finding the two archbishops whom Mr. Thompson would require; if Ralph be "the great," we are none the wiser for the insertion of "multum in the original"; and the mysterious "Conmecherchie" of Leicester, as it certainly means the folk-moot of the town, and occurs in what seems to be a Latin charter, may turn out to be "communi curia." But these are mere guesses of our own, and we do not see why we should be driven to guesses. In a matter of this sort the documents are everything, and the whole value of documents is lost when they are not only given in translation, but when one has, on the face of them, reason to doubt the competence of the translator.

The interest of the story of Leicester lies, as we have said, in its being the ordinary story of an English town. There is none of the national interest which belongs to London, none of the centuries of strife which such towns as Oxford or St. Albans waged against their ecclesiastical oppressors, no such four years of pure republican life as raised Bristol for a moment to the level of Genoa or Florence. Its value lies in the absence of all this—in the quiet insight it affords into the steady, peaceful acquisition of freedom by nine-tenths of our English boroughs. It grew up beside the ruins of the Roman Rato, but we need not stop with Mr. Thompson to discuss the position of Roman municipia. Nothing brings out more clearly the utter severance of our English towns from all connexion with the Imperial past than the absence of their insignia. Up to the twelfth century the two swords of life and death were still borne before the echevins of Amiens; the fasces were long carried before the "consuls" of the South; the sabre which superseded the consular axe is still preserved at Thoulouse. But London in the fourteenth century was probably the first English town to assume these emblems of supreme magistracy, and then as a mere matter of imitation. Rome and the Roman municipalities had in fact wholly disappeared. The towns seem to have been utterly deserted, and, as at St. Albans and Leicester, to have served as quarries for their English successors. In place of the great manufacturing town of to-day, with its veil of factory-smoke, the Conqueror found but a little borough camped along the edge of its stream in its clearing among dense woods. On most towns the effect of the Conquest had been the transfer of their lordship from the Crown to some Norman baron; and in some cases, as at Norwich, the creation of a French town side by side with the English borough. To Leicester it seems to have bequeathed an order of upper burgesses, a sort of foreign magistracy, for the most part dependents of the foreign earl to whom all within or without its walls was subject. The great forest, reaching to the very gates, from which they drew their timber, and in whose clearings they fed their cattle, was the earl's; the burgesses sank into a state of semi-serfdom, bound to reap the earl's corn-crops, to grind their wheat at the earl's mill, to redeem their strayed cattle from the earl's pound. Their lord had his gifts, his aids, his gavel-pennies; the burgesses had to follow him to the wars, to share his fortunes, to hold the walls for him even against the king, to forsake their homes on his defeat and fly to some safer shelter. The whole government of the town, all its higher justice, was in the earl's hands; he appointed its bailiffs, received the fines and forfeitures of its courts, the fees and the toll of its fair and market. It is not easy at first sight to imagine a subjection more complete, and the interest of the story of Leicester lies in the quiet, gradual way in which this subjection was shaken off, and the town slowly raised into a condition of independence. In the first place, of course, the burgesses had always a right of justice and a right of trade. They had their monthly or quarterly town-meeting, Mr. Thompson's mysterious "Conmecherchie," where civil suits were decided, and the affairs of the town discussed. They had their merchant guild, the voluntary association of all its landed inhabitants, where over the feast of ale and wine in Guildhall they regulated trade, assessed the fines due to king or earl, looked to the due repair of gates and walls and bridges—in fact, exercised much the same functions as a town-council of to-day. Till 1250 it is notable that the guild remained under the rule of its alderman; after that date he is superseded by a mayor. But these liberties by no means served, as lesser franchises served in French towns, as a starting-point for violent efforts after a republican liberty, or armed attacks on the oppressive rights of the lord. One after another, in practical English fashion, the burgesses bought in hard cash the liberties they desired. Earl after earl yielded to them the confirmation of the rights of their guild—permission to gather wood in the forest, right of common in its pastures, the commutation of their service in harvest-time, and their bondage to the earl's mill for reap-silver and the multure-penny, and the abolition of the commutation, freedom of trade within the town, freedom of going and coming as they carried their goods to Boston fair.

One instance in the annals of Leicester will show how this gradual purchase of right and justice went on, and the instance is none the worse for being one of the most pathetic stories we have ever met with. Subsequently to the Conquest the judicial duel seems to have been introduced into Leicester; instead of the decision of the twenty-four burgesses in the town-mote, the litigants, armed with staves, bare-headed and bare-legged, fought out the matter till one yielded or was killed. An inquisition taken in the reign of Henry III. tells how this custom was abolished in the time of Earl Robert of Mellent:—

It happened that two kinsmen—namely, Nicholas the son of Acon, and Geoffrey the son of Nicholas, waged a duel about a certain piece of land, concerning which a dispute had arisen between them; and they fought from the first to the ninth hour and longer, each conquering by turns, one of them fleeing from the other until he came to a certain little pit; and, as he stood above the pit, and was about to fall therein, his kinsman said to him, "Take care of the pit—turn back, lest thou shouldst fall into it!" And as he stood over the pit, so much clamour and tumult was made by the bystanders, and those who were sitting around, that the earl heard their clamour as far off as the Castle, and he inquired of some of them how it was there was such a clamour; and answer was made to him that two kinsmen were fighting about a certain piece of land, and that one had fled until he reached a certain little pit, and that as he stood over the pit and was about to fall into it, the other warned him. The burgesses, being moved by pity, then made a covenant with the earl that they should give him threepence yearly for each house in the High Street that had a gable, on condition that he should grant to them that the twenty-four jurors, who were in Leicester from ancient times, should from that time forward discuss and decide all pleas they might have among themselves; and this was conceded to them by the earl, and in such a manner were the pennies, called gavel-pennies, first levied.

The history of these "gavel-pennies" brings us to a famous name, but one which has left few traces in the history of Leicester. The payment had been remitted by a second Earl Robert, but the charter being destroyed in a fire, the claim was again raised, and in default of legal evidence the burgesses were forced to submit to the extortion for more than half a century. It was in the earldom of Simon de Montfort that after a formal inquiry right was done, and the claim finally surrendered. It is impossible, however, to pursue further the history of this very interesting town, or we could dwell at much length on the great struggle between the burgher-aristocracy and the "minutus populus" which, here as elsewhere, marks the fourteenth century, and on the peculiar influence of the Reformation on the development of our towns. Mr. Thompson has given a very admirable account of the first in the best chapter of his book; and we cannot part from it without hoping that the reception of this little essay may encourage him to pursue the very useful and almost untrodden path on which he has entered.

THE LIFE OF RITTER.*

A FEAR (and a not wholly groundless fear) has of late been frequently expressed, by friends of one of the highest forms of modern culture, that the recent sudden development of political activity in Germany may destroy, or at all events impair, the German Professor of the old style. He is, or was, a being of many virtues and some foibles—who naturally enough combined, with numerous excellences which only the shallowest ignorance ventured to overlook, some of what Bacon terms the faults "incident to learned men." But since the German Professor has been trained by experience to the ruder conflicts of the political arena, since his pupils have gained victories which all Europe has watched with bated breath, it would almost appear as if he were himself beginning to entertain a doubt where the world at large is slowly according a long-withheld belief. More than one eminent scholar or man of science appears to be forgetting, on the back benches of the Berlin Lower Chamber, that he was formerly in the habit of addressing more appreciative, if less numerous, auditories; and one at least of the most distinguished teachers of the second Prussian and German University lately broke up his class in the middle of the session in order to depart to what he blandly designated "more important duties." Yet, long before Professors "in their place in Parliament" found excellent reasons for or against the measures of Ministerial dictators, before Sybel was complimented by Bismark or Herbst consulted by Beust, German Professors in their own sphere were able to find opportunities of asserting the rights of a citizen beneath the dignity of an academical teacher. No event more directly challenged the admiration and stimulated the patriotism of an intelligent public than the famous protest of the Göttingen Professors whom the brutal cynicism of their Royal "protector" imagined it so easy to replace; and we doubt whether, for instance, Dahlmann at Frankfurt ever contributed more to the advance of Germany than did the same great man and his companions in this strictly academical act of resistance to despotic usurpation. And if others were content to allow political events to run their course without their interference—if they even took a harmless delight in covering their honest breasts with the crosses and orders bestowed by a score of petty potentates whose very existence in the eyes of professional Liberals was a crying shame—the simple dignity and single-minded devotion of their own lives was the best contribution which it was in their power to make to that national development of which, after all, political progress is only an element, and not the sum and substance.

* *The Life of Carl Ritter, late Professor of Geography in the University of Berlin.* By W. L. Gage. Edinburgh and London: William Blackwood & Sons. 1867.

Of the German *Gelehrte* of the old school, Carl Ritter, the author of the chief geographical classic of modern times, the *Belinde*, was one of the most perfect types. Unlike the brothers Grimm, with whom from this point of view a comparison at once suggests itself, he at no time of his life participated in politics, and remained from first to last the servant of Education and Science. The best summary of Ritter's title to the reverence of posterity is perhaps contained in the words of a distinguished living writer, who has himself, with singular felicity, applied Ritter's principles of the connexion between geographical formation and historical development, to the subject of the growth of the Greek people.

Ritter's ideas [Professor Ernst Curtius wrote, not many months after his great teacher's death] have already become common property. . . . For this reason he most justly deserves to survive in the grateful memory of our nation. But what in a yet higher degree than his unwearying diligence, his comprehensive learning, and his thoughtful contemplation of nature and the history of mankind arouses our reverence, is the unselfish and devoted love of science which filled his whole life, the quiet modesty and humility of his spirit, the clearness and harmony of his mind, the sincere piety which warmed his whole being; in short, it is his moral dignity which constitutes him the model of a German man of learning.

And, after perusing the interesting biography in which Ritter's English translator, Mr. W. L. Gage, has lately retraced the uneventful but instructive career of this great man, few readers will be desirous of abating a jot from Curtius's eloquent tribute. No literary scribe, male or female, will in this instance be able to trade upon a great memory by laying bare the weaker moments of an impatient spirit; no second Ludmilla Assing will be able to make us wish that we had known a little less of the great fellow-worker of Alexander von Humboldt.

Mr. Gage, as we have already indicated, has, upon the whole, done his work well, a fact which is not the less creditable to him because the task was apparently an easy and a straightforward one. For it was not straightforward enough not to offer a few opportunities to its performer for the display of a quality which we are sorry to find once more not inseparable from distinguished piety—namely, execrably bad taste. Now and then Mr. Gage has been unable to forget that he was not writing for an esoteric circle of initiate souls, but for a bad world which is only too apt to seize upon the few morsels of scandal floating upon the sea of holy oil. The fact that the results of Ritter's life were largely due to the Bethmann family should have protected one of its members, at the hands of Ritter's biographer, from comment which it is a stretch of charity to call sanctimonious. The hero of Sadowna can probably afford to snap his Royal fingers at the designation of "the brutal and coarse Prince Frederick Carl"; but it is pure impertinence to talk of the present Queen of Prussia and her sister as "chiefly remarkable for their pride, their frivolity, and their indifference to the welfare of the nation." Mr. Gage is not Diogenes, that he should carry the lantern of his self-satisfied plainpokenness into courts as well as camps; nor is it a compliment which Ritter would have desired to earn that he might, had he become the tutor of the Queen of Prussia, have corrected the ways of Providence.

On the other hand, a very clear and pleasing picture of a simple life and a great man may be formed from Mr. Gage's narrative; and the moral which it teaches, and which requires enforcement in almost every modern country except Germany, is that, to achieve the highest success, it is sometimes unnecessary to be in the slightest hurry. Mr. Gage's book is divided into eight chapters, whose respective titles can assuredly be scarcely designated as "sensation headings," while they accurately convey the outline of a life of unbroken prosperity and happiness. "The child at Quedlinburg" was born on the 7th of August, 1779, of a father whose scientific attainments (he was a physician) were of a high order, and of a mother whose virtues were such as on her decease to call for special literary commemoration. "The pupil at Schulpfenthal" was thus early brought into contact with a system of education which was nothing if not healthy, and which, though it may have broken out into sundry excrescences under the hands of some of its promoters, has at all events engendered love and reverence towards its founders in the breasts of nearly all who have benefited by its earlier developments. "The University student at Halle" was matriculated there at a time when, under the influence of F. A. Wolf, a spirit was arising within its walls which was afterwards destined to raise it to high eminence among German academies; while, as at nearly every period of its history, it was comparatively free from the vulgar and boisterous forms of juvenile intelligence which to any youth of sense constitute the least attractive phase of German student-life. "The tutor at Frankfort-on-the-Main" was the honoured inmate of the leading and most intellectual family of that city, freed at the outset of his career from all the grosser cares of life, and left in the main to pursue his own method of instruction with pupils whose progress as boys and men amply rewarded him for his indefatigable exertions on their behalf. In the society of these pupils, and of the numerous men of distinction whom the presence of Madame de Staël and other causes attracted to what was at that time a centre of European intelligence, the "savant at Geneva" had opportunity and leisure to prepare himself for the later stages of his career, as "the author at Göttingen," "the teacher at Frankfort-on-the-Main," and "the Professor at Berlin." Born of virtuous and intelligent parents, educated by active and devoted masters, teacher to promising pupils, husband of a gentle and loving wife, professor at a flourishing and enthusiastic University, subject of an intellectual and appreciative King, Ritter might indeed towards the close of his

life avow his gratitude to "a grace and compassion which have already accompanied me so many years, that in all my thoughts and actions I must give praise and thanks to Him as long as I live."

Yet it is obvious that, to lead a life of so much uninterrupted happiness, Ritter must have been fortunately constituted as well as fortunately circumstanced. He had, among many of the gifts which conduce to tranquil happiness, the indispensable gift of patience. For those who are acquainted with his literary life (which Mr. Gage treats, we think, with unnecessary brevity) this remark will need little elucidation. It was, comparatively speaking, not until late in life that he deliberately chose his line as a teacher of and writer on the particular science with which, as he more than any other man made it a science, his name will always be identified. And the single-mindedness with which he devoted the latter part of his life to the laborious composition of a work which can never as such find more than a handful of readers, is the most convincing proof that, though he valued applause and by no means disliked popularity, he could patiently await the verdict of posterity as his ultimate and highest reward. But the same quality is frequently displayed in the incidents of his personal life. To the engagement which he first accepted at Halle he held fast through many trials, which were more than mere trials of temper, and against temptations which might well have called away a man of other than ordinary ambition. At Göttingen he rejected a series of offers, including that which, for the sake of the morality of the Prussian Court, his biographer cannot dismiss without a sigh, in order to accept a mastership at a school, because the subjects of its teaching best agreed with the bent of his own studies. Previously, when all the youth of Germany was rushing to take arms in the War of Liberation, he had, from pure conscientiousness, preferred the more immediate call of private duty to the louder demand of patriotism. When, vicariously, he made an offer of his hand to the lady of his mature affections, he wrote in terms which, while at the same time manly and touching, almost seem to breathe the spirit of resignation when there was no doubt of success. He commenced his lectures as a University Professor at Berlin with zero for his number of hearers, but he patiently awaited the few who dropped in before the close of the session; next half-year he had a slight increase, and three years afterwards he found himself writing in his diary, "Full lecture-room; I must have a larger."

Such was the spirit in which this great man—whom we should call singular, were it not that the type was not unfrequent, and is even now not unknown in German Universities—met the few changes and chances of his prosperous career. Mr. Gage, who attended his lectures in 1855, describes very vividly the personal appearance of the tall and venerable figure, with his "long blue cloak and broad-rimmed hat, both half a century out of date," his large rolling collar and huge horn spectacles, his general rusticity of appearance and captivating friendliness of manner. He also describes the Professor's method of lecturing, and his habit of illustrating his theme by means of the black board, on which he drew with unexampled ease and felicity. In conclusion, we could only wish that the biographer had found it possible to offer more notes on Ritter's journeys, which were both frequent and extensive. For though some of the countries which were among his favourite subjects of literary description, above all Palestine, had never been visited by their delineator, yet he was no stay-at-home like certain other German geographers, but saw enough with his own eyes to enable him to found upon personal experience his development of the principle which has through him become the foundation of scientific geography—the principle of comparison.

URE'S DICTIONARY.

GREAT credit is due to the proprietors of Dr. Ure's *Dictionary of Arts, Manufactures, and Mines* for the spirited way in which they have kept that valuable work up to the progress of the age in the multifarious subjects of which it treats. This amount of energy and public spirit has served from the first to constitute the book a standard of the state of scientific knowledge, and a trustworthy work of reference to all those who are concerned or interested in the application of art and science to the purposes of production. More than a generation has elapsed since the earliest germ of this compilation appeared in the shape of Ure's *Dictionary of Chemistry*. Limited as it was by comparison, both in scope and bulk, that work marked an era in the development of scientific studies in this country. Many of the most eminent among living men of science look back with gratitude to the light it shed upon the early difficulties of their path. The science of chemistry, since the fourth edition of Dr. Ure's work was published in 1831, has indeed undergone a total revolution. One vast division, that of organic chemistry, has actually been created within that interval, and the theory of chemical combination has been established upon a more philosophical basis. The whole horizon of the original treatise at the same time underwent a corresponding widening, and the result was the more comprehensive *Dictionary of Arts, Manufactures, and Mines*, in the year 1829. Of this work, which became the parent of several similar publications in this country, in France, and in Germany, four impressions appeared in the lifetime of Dr. Ure. On his death, the task of preparing a new and more complete edition was entrusted to Mr. Robert Hunt, who was careful to associate with himself a

* Ure's *Dictionary of Arts, Manufactures, and Mines*. Edited by Robert Hunt, F.R.S. Sixth Edition. 3 vols. London: Longmans & Co. 1867.

staff of coadjutors chosen from among the leading representatives of each separate branch of inquiry. In the seven years that have gone by since the date of that impression many large additions have been made to our knowledge, and several important applications of science have taken their place amongst the established manufactures of this and other countries. All these valuable discoveries and inventions are incorporated in the new edition. Some hundreds of additional articles have thus been inserted, whilst not a few of the most important have been so thoroughly rewritten as to constitute it virtually a new and original work. The way in which the promise held out by the undertaking has been throughout fulfilled is such as to render it the fullest and most exhaustive as well as the most accurate manual of the kind to be met with in the literature of any country:—

The objects which have been steadily kept in view are the following:—To furnish a work of reference on all points connected with the subjects included in its design, which should be of the most reliable character. To give to the scientific student and the public the most exact details of those manufactures which involve the application of the discoveries of either physics or chemistry. To include so much of science as may render the philosophy of manufacture intelligible, and enable the technical man to appreciate the value of abstruse research. To include such commercial information as may guide the manufacturer, and fairly represent the history and the value of such foreign and colonial productions as are imported in the raw condition. To present to the public, without much elaboration, a sufficiently copious description of the arts we cultivate, of the manufactures for which we are distinguished, and of those mining and metallurgical operations which are so pre-eminently of native growth, including at the same time a sufficiently detailed account of the industries of other States.

Among the most important and interesting additions to science during the last few years is that of the development of the beautiful series of aniline dyes. The very name of the substance which has thus enriched our arts and manufactures was unknown while the present work remained in the hands of Dr. Ure. The history of this most curious body forms quite an episode of its own in the annals of modern chemistry. It might seem surprising that the most abundant source of aniline is a substance so common as the basic oil of coal tar. It may, however, also be obtained from indigo by treatment with potash, after destructive distillation, as well as from nitrobenzol, either by the action of sulphuretted hydrogen, or more conveniently, as M. Béchamp has shown, by that of a basic acetate of iron. In the year 1826 Unverdorben, a German chemist, when exposing indigo to destructive distillation, produced an oily substance capable of forming a crystalline compound with acids, to which he gave the name of "crystalline." Runge subsequently observed in coal-tar oil a substance capable of forming saline compounds, and of striking a violet colour with chloride of lime. To this he gave the name of *kyanol* ("blue-oil"). Later than this Fritzsche, while investigating the action of potash on indigo, obtained a basic oil, to which he gave the name of aniline (from *anil*, Portuguese for indigo). About the same time Zinin—finding that nitrobenzol, when submitted to the action of sulphuretted hydrogen, was converted into a peculiar, and as he thought new, substance—gave to this the name of Benzidam (ammonia derived from benzol). Hofman, the first who submitted crystalline, kyanol, aniline, and benzidam to careful experimental comparison, proved them to be essentially the same substance, which now took its place in chemistry under the name of aniline. The important discovery of benzol was made by Faraday in 1825, from an analysis of the products of the destructive distillation of whale oil, though the name was given by Mitscherlich, who found that benzoic acid distilled with caustic potash gave a colourless volatile liquid identical with the hydrocarbon discovered by Faraday. Dr. Hofman, in 1845, established the presence of benzol in coal-tar oil, and in 1848 Mansfield showed that the quantity to be derived from that source was inexhaustible. Here then was a valuable addition to art and commerce from a comparatively worthless refuse. The crude tar of our gas-works is subjected to regulated distillation. The light oil, or naphtha, is thus separated from the dead or heavy oil, which remains in the retort as pitch. From the light oil benzol is given out by further fractional distillation. If this benzol is dissolved in fuming nitric acid, and the clear liquid mixed with water, a dense yellow liquid (nitro-benzol) is precipitated, which is the well-known artificial oil of almonds, which is thus prepared, we are not particularly pleased to hear, "easily and economically on a large scale." From a mixture of equal weights of nitro-benzol, acetic acid, and cast-iron turnings, exposed to a gradual heat in cast-iron vessels, a semi-solid mass is obtained, which on distillation produces aniline, a "slightly brownish liquid a little heavier than water."

The rich crimson colour most commonly associated with aniline was first produced by Dr. Hofmann as early as 1858. Its earliest application to industrial purposes appears to be due to Messrs. Verguin and Renard of Lyons in 1859. Their process was based upon the admixture of the tetrachloride of tin in six or seven parts to ten parts of pure aniline. Other processes have since been made the subjects of patents, both in this country and abroad. The nitrate of mercury, nitric acid, arsenic acid, the anhydrous nitrates, and those of iron and copper, are amongst the principal of these. From the crude aniline red are derived almost endless modifications of tint and shade, in which what has been termed rosaniline plays a conspicuous part. The popular aniline violet, or mauve, the original of all the numerous colorific compounds of the class, remains in some respects a puzzle to science. Its chemical composition has not yet been fully established. Into the labyrinth of law into which their conflicting claims upon these points have

recently led divers patentees, we have no desire to conduct our readers. The records of the House of Lords may be referred to by the curious for the voice of the ultimate court of appeal upon the main points at issue. Mr. Hunt is right, we think, in keeping clear of technical or legal issues of this kind. The various reactions by which the other primary hues, with their subordinate grades, are obtained from the original menstruum, are briefly yet clearly explained. A beautiful golden yellow, as well as an orange red variety, can be extracted from the rosaniline by the action of steam, followed by treatment with nitric acid. Chrysaniline is the name common to both these tones of colour. The fine tints known as Bleu de Paris and Bleu de Lyon were obtained in M. Pelouze's laboratory chiefly under the agency of heat. The chemical nature and affinities of aniline blue have been determined with great precision by Dr. Hofmann, who has made this the subject of a patent for improvements in preparing colouring matters for dyeing and printing. By the action of chlorate of potash, to which hydrochloric acid has been added, aniline is made to assume a vivid green tint called Verdine or Emeraldine. Black has not yet been so satisfactorily accomplished, though, by a process of mixing chlorate of potassium with a metallic salt and a salt of aniline, the green tints have been converted into a kind of black.

The new metal aluminium formed one of the most striking novelties in the last edition of Dr. Ure's *Dictionary*. The article upon that subject, by the late Mr. Henry Witt, has been supplemented by Mr. Hunt with an account of Dr. Percy's valuable discovery of aluminium bronze. This alloy, comprising ten parts of aluminium with ninety of copper, is remarkable for ductility, malleability, and strength. It produces admirable castings of a pleasing colour, is affected by temperature less than gun-metal, and much less than brass, and tarnishes far less readily than silver, cast-iron, or steel. No other wires, under the severe ordeal of M. Foucault's pendulum experiment, showed the firmness and durability of aluminium bronze.

The recent controversy upon the probable future supply of our coal-fields led us to turn with lively interest to so competent an authority as we here have before us for some calm and clear statistics upon this vital question. This, however, is one of the few omissions which we have noted in turning over Mr. Hunt's pages. The produce of British collieries has been brought down to the date of 1865, and the latest tables have been added to show the chemical constituents, the heating power, and other qualities of various mineral fuels. The most important addition, however, is a summary of the principal foreign coal-fields, with their extent, their probable yield, and the quality of their produce. It is thought that there are from 250 to 300 principal coal basins in the world, which, however, may be grouped into a comparatively smaller number of areas. The majority of these occur in Western Europe, Eastern North America, and the Peninsula of India. Central and Southern Africa, South America, and a large part of Asia are known to exhibit scarcely a trace of true carboniferous rocks.

The principal coal-fields of the Continent of Europe are those of Belgium, France, Spain (in the Asturias), Germany (on the Rhine and Saar, a theme of such prominent bearing upon the recent warlike demonstrations of France and Germany), Bohemia, Silesia, and Russia (on the Donetz). The Belgian field is that which shows the most alarming symptoms of giving out. Twenty years, according to the Report of Mr. Dunn, H.M. Inspector of Collieries, will suffice for the catastrophe of Liège and Hainault. The coal of France, though practically inexhaustible, is of an inferior description, and the consumption of English coal becomes an increasing element in the question of the exhaustion of our home supplies. The richest deposits of all other countries combined are insignificant by the side of the coal deposits of North America. There are four principal areas—the great central coal-field of the Alleghenies, those of Illinois, and the basin of the Ohio, the basin of the Missouri, and the wide fields of Nova Scotia, New Brunswick, and Cape Breton. The total produce of the States of the Union for the year 1864 was returned officially as 16,472,410 tons—less than a fifth, after all, of the total produced by the United Kingdom, and not nearly as much again as we can afford to spare for the exigencies of our neighbours. The production of coal in India forms a marked feature in the industrial progress of our great Eastern dependency. It has more than trebled itself in three years, and reached in 1866 nearly 400,000 tons. A still larger amount, and one equally progressive, is produced by New South Wales and Queensland, whence the wants of the other Australian colonies are largely supplied. The article on coal-gas, from the pen of Professor Frankland, will be found to comprise many new points of interest in connexion with that product. But, of all media connected with illumination and heat, the greatest importance of late years attaches to the manufacture of paraffine and paraffine oil from candle and shales, as well as from petroleum or natural bituminous oil. This has now become one of the most important branches of national industry, and may even be destined to work a total revolution, not only in our mode of lighting, but in our consumption of fuel. The principal centres of home production are in the Bathgate oil district. It is only a few years since this enterprise was set on foot by Messrs. Young. It has since extended throughout nearly the whole of Linlithgow, and into the Leewood oil district in Flintshire. The rapid development of this manufacture has already given rise to a long list of wealthy and influential Companies. Beside the various uses of the spirit, the fused paraffine is rapidly becoming the staple material for the manu-

facture of the better class of candles. The recent improvements in the method of extraction are such, we are assured, as in all probability to bring ere long this beautiful material to a price but little, if at all, exceeding that of common tallow. It is, however, in the North American continent that the inexhaustible supplies of mineral oils have been opened. We need not descant on the effects already visible on the surface of American society as the result of the magical process of "striking" it. For the scientific operations connected with that wonderful discovery, and the statistics of the resulting trade, as well as for the most probable explanation of the origin and history of these strange accumulations of bituminous masses, we cannot point to a better account within the same compass than to the articles Oil, Naphtha, Petroleum, and Paraffine in the new edition of Dr. Ure's work.

For nearly a quarter of a century attempts have been made to find in machinery a relief from the terrible labour of puddling iron. It was not, however, till the recent extensive strike of the Staffordshire puddlers lent an additional impulse to the effort that the ingenuity of our mechanicians was to any great extent successful in grappling with the difficulty. Mechanism has of late taken the place of the severest parts of manual labour at several of the principal seats of manufacture, and the time for the universal adoption of machine puddling cannot be thought far distant. The different systems now employed at the Dowlais iron-works, those at Wombbridge, Salop, and at Derby, are described in an article upon the subject. Another important contribution to the well-being and safety of the workman is the recently invented coal-cutting machine, together with the still more vital boon of the Fire-damp Indicator. This ingenious instrument, invented by Mr. Ansell, is explained with great fullness, and its mode of working confirmed by the test of actual experiment. When made self-registering, as the inventor is in hopes of shortly rendering it, and when its use can be made imperative in our collieries, this little machine, which may be made small enough for the pocket, may vie with the Davy Lamp as a protection to the miner. It is impossible, by any number of extracts, to do justice to Mr. Hunt's careful labours to bring together the latest and most complete information under every head. We would not, however, omit to point out the articles on Artillery and Fire-arms, which have been rearranged and enriched with the most recent improvements. Whether as a repository and guide for the student and the technologist, or a book of reference for the general reader, Dr. Ure's Dictionary, in its revised and expanded form, is, we repeat, a work that reflects the highest credit on all who are concerned in its compilation.

FIVE HUNDRED POUNDS REWARD.*

THE author of this book has scored the first point towards success in his selection of a title. However it may have been in Shakespeare's time, it is beyond a doubt that in our own day there is sometimes a great deal in a name. In the case of a novel, an attractive title has a special value, and *Five Hundred Pounds Reward* is decidedly an attractive title. There is a handsome roundity about the sum, to begin with, which at once catches, as it were, the mind's eye. It is natural to believe that so large a reward would only be offered under circumstances of special interest and importance, and a host of appropriate questions at once suggest themselves. Why was such a reward offered? Who tried to win it? how did he set about it? and did he succeed in his attempt? We feel that the novelist has hit upon a vein of excellent opportunities, and that, if he has made the most of them, his book can hardly fail to be a success.

Unfortunately, we cannot say that the author in the present instance has made the most of his opportunities. He is like a digger who has found a valuable nugget, but who through carelessness or clumsiness has wasted in the melting half of the precious material. He starts fairly enough, with the appearance of the advertisement in which the reward is offered, and which runs as follows:—

FIVE HUNDRED POUNDS REWARD.—Disappeared lately, a YOUNG LADY, aged eighteen, of very distinguished appearance. She is slender and of middle height—dark hair and eyes, pale clear complexion, and is in manner peculiarly graceful and self-possessed. She had with her a very considerable sum of money; but, it is believed, no personal luggage whatever. She was dressed, on leaving home, in a brown silk dress, purple cloth jacket, white straw hat trimmed with black velvet, and grebe feather. Wore a curious Oriental gold bracelet, plain gold guard-chain, and watch by Rosenthal, Paris. Whoever will bring her to Mr. Bloss, Solicitor, No. 14 New Square, Lincoln's Inn, or give information leading to her recovery, shall receive the above reward.—Thursday, May 1.

Paul Petersfeld, a young barrister not over-burdened with briefs, determines, in a spirit of adventure, to undertake the quest of the missing damsel. Not unnaturally, he goes to the office of Mr. Bloss, to obtain full particulars as to the name and supposed errand of the young lady. Here, however, at the outset, he meets a serious check. Mr. Bloss is polite, but by no means communicative. A young lady answering the description is missing, as stated, and the reward is offered in the hope of inducing the persons with whom she may have taken refuge to deliver her up, but nothing is further from the desire of her friends than to tempt the general public to take part in the search. On the contrary, their greatest wish is to avoid anything like *escalandre*, and to that end they have studiously concealed from their own immediate circle the fact of the young lady's disappearance. The upshot of Mr. Bloss's replies is that Petersfeld is welcome to win the reward if he can; but he must do so by the light of nature

and the advertisement, finding out all particulars for himself. This at first sight is a little discouraging. There are a good many young ladies of distinguished appearance about, and a fair proportion of these have dark hair and eyes. Dress is of little value as a criterion, being the first thing which a person desirous of disguising her identity would be likely to change. The possession of the watch by Rosenthal is more definite; but a gentleman who, to verify his suspicions, should venture to pick a young lady's pocket, would probably find himself called upon to establish the purity of his intentions in a police court. To attempt to distinguish, upon the strength of a mere description, and without knowing even her name, one particular young lady from young ladies in general, seems at first sight little less hopeless than guessing the answer to a conundrum without knowing the question. Petersfeld is half inclined to give up his attempt, but, fortunately for the story, takes counsel with a long-headed Scotch friend, Kinghorn, who throws out a suggestion which, duly followed up, leads to the solution of the first part of the enigma. The young lady proves to be a Miss Helen Fleetlands, a ward in Chancery, living under the guardianship of a certain Admiral Mortlake, at St. Mark's-on-the-Sea. Petersfeld's inquiries at the Admiral's residence, Riverwood Lawn, elicit the perplexing answer that the Admiral and his wife are in Paris, and Miss Fleetlands with them. Petersfeld forthwith goes to Paris, and ascertains that the Mortlakes are there, but that Miss Fleetlands is certainly not with them, though a room is retained in her name at the hotel, with the evident intention of inducing the belief of her presence. Hitherto Petersfeld has displayed some energy and ingenuity, but at this point he utterly breaks down, and the author with him. Having led us so far, he forthwith drags us back again, and occupies a volume and a half in recounting Helen's history from her earliest years, concluding with her reasons (which, by the way, are miserably bad ones) for running away. Having thus again reached the point from which we started, we anticipated that at least what was left of the book would be devoted to an exciting run and a brilliant capture; but we were doomed to be disappointed. Petersfeld potters aimlessly about, between a seaside inn and a specially uninteresting farmhouse, and finally blunders almost into the arms of the erratic heroine, who has returned of her own accord, and whom he finds on her guardian's own ground, dressed in the identical brown silk dress and straw hat with grebe feather, and with the identical watch by Rosenthal in her pocket. Let it not be thought, however, that Petersfeld has lived in vain. Helen has never seen or heard of him before, but with artless confidence immediately entrusts him with the "considerable sum of money" (3,000*l.*) with which she had started on her wanderings. Virtue is not invariably its own reward, and our *preux chevalier* is immediately locked up on suspicion of having stolen the money in question. We are sorry to add that he is speedily released (thus missing an opportunity for quiet reflection of which he stands greatly in need), and forthwith starts for Egypt. Poetical justice would suggest that a girl who was fool enough to run away as here described should be compelled to marry the man who was fool enough to run after her; but the author had not the heart to consign his hero and heroine to so horrible a fate, and consequently makes Helen reward Petersfeld's devotion by marrying somebody else. In the interests of the next generation, perhaps it was just as well that she should.

We imagine, from many indications, that this is the author's first attempt at writing a novel, but we are not sure that it is his first attempt at composition. Judging from internal evidence, one would suppose that he has served his literary apprenticeship in the manufacture of theatrical afterpieces. The very nomenclature in *Five Hundred Pounds Reward* is suggestive of broad farce. Brindlebun, Bunnytall, Springletop, Poppit, Bags, Twick, Gigoggin, and Serena Smugg are names which could only belong to the lowest order of low comedy. In the next place, every body in the book acts with that amiable impulsiveness and looseness of motive to which we are accustomed in stage heroes and heroines, but which we certainly should not tolerate in any one else. Nobody, except on the stage, sending off two letters, one to a lady requesting an interview, the other to a tailor enclosing a twenty pound note, would place the note in the wrong letter; and no lady, off the stage, receiving a note so sent, would imagine the enclosure a delicate attention, and consider herself "engaged" to the sender on the strength of it. Still less would the young lady's family adopt her fond delusion. Still less, again, would the gentleman, discovering that such a misapprehension had arisen, think to mend matters by deserting his profession, and absconding to Egypt. On the stage these things are done every day, and seem quite as natural and proper as (say) a young lady's running away with 3,000*l.* that does not belong to her, because her ruffianly guardian will not permit her to dispose (at eighteen) of her hand and heart. The guardian himself, by the way, is a very old theatrical friend—the time-honoured wicked uncle of melodrama:—

Once seen, the Admiral was not a man to be easily forgotten. Solid and square-built, with a red weather-beaten face, he looked the very impersonation of physical power combined with unconquerable resolve. The stubborn underjaw, the broad battle-broken nose, the iron forehead, and those self-reliant hempen-shaded eyes, that so seldom and so slowly looked either to the right or left, all told the same story.

Nor was his dress less characteristic. His trousers, cut after a fashion exploded years before most of us were trowsers at all, showed that he was not a man to change with the times, or ask his tailor's opinion as to the prevailing pattern. An immense bunch of gold seals dangled from his fob. His rough blue coat had flaps and side pockets and gilt buttons, and these, with a low-crowned hat and ponderous oaken cudgel, were the prominent points which struck Petersfeld upon his brief inspection.

* *Five Hundred Pounds Reward*. A Novel. By a Barrister. 3 vols. London: Richard Bentley. 1867.

Now this description is by no means bad. The qualities and appearance described represent fairly enough what would probably be the rough popular idea of a combination of wicked uncle and British admiral. And this is just what is required on the stage, where a man's virtues and vices must all be writ in large print, and are perforce indicated by the fashion of his dress and the cut of his whiskers. But in real life a fraudulent trustee (whom we take to be the modern version of the wicked uncle) is the blandest of men, and the British admiral is not unfrequently a meek gentleman with a wholesome awe of his wife. Scotch barristers, again, might on the stage be permitted to talk broad Scotch, in order to prove their nationality; but they certainly do not in real life (as Mr. Kinghorn does in this book) call money "siller," or use "na" for "not," and "rin awa" for "run away," any more than an educated Irishman would habitually call potatoes "praties," or whisky "the cratur."

A still graver fault than the author's "staginess" is his constant tendency to drift into what is called "shop." If a novelist chance to practise any other profession in addition to that of literature, let him by all means utilize his professional knowledge wherever such knowledge is fairly available; but nothing can be in worse taste than his constantly dragging in professional topics for the sole purpose of displaying his own acquaintance with them. If Messrs. Day and Martin should take it into their heads to write a novel, we should not be surprised to find that all the characters wore boots of remarkable polish; but if the subject of blacking were brought in two or three times in a chapter, and occasionally had a chapter to itself, we should feel a little indignant. We have rarely met with a greater sinner in this respect than the author of *Five Hundred Pounds Reward*. He writes "in character," as a barrister, and thinks it necessary in consequence to treat his readers every now and then to a discussion on some legal subject. Thus he gives us *in extenso* the will of Colonel Fleetlands, Helen's father, drawn by himself, and containing a somewhat ambiguous residuary bequest. The residuary bequest has nothing whatever to do with the story, and does not affect in the slightest degree the fortunes of any one of the characters. Notwithstanding this, the author thinks it necessary to insert a long-winded protest against the folly of a testator attempting to make his own will, and an elaborate disquisition, with a hypothetical opinion of a hypothetical learned friend, as to the legal effect of this hypothetical residuary bequest. The larger portion of two chapters is taken up with this irrelevant legal twaddle, *apropos*, as far as the story is concerned, of nothing at all. But even this is not the worst. Admiral Mortlake has not been especially conscientious in the administration of Helen's allowance of 500*l.* a year, and is rather apprehensive of being called to account concerning it. Desiring to combine instruction with amusement, the author hastens to give us a little further insight into legal mysteries:—

Supposing that she (Helen) remained single up to twenty-five, there would probably be but little difficulty about the matter. She would then be competent to give, and in the ordinary course of events would give, what is technically termed a release in full. In other words, she would sign and place her finger upon the wafer of a parchment deed, the concluding paragraph of which would perhaps run as follows:—

"AND WHEREAS for the satisfaction of the said Hercules Mortlake and in consideration of the premises she the said Helen Fleetlands hath agreed to execute to him the said Hercules Mortlake such a release as is hereinafter contained. NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises she the said Helen Fleetlands hath remised released and for ever quit-claimed and by these presents doth remise release and for ever quit-claim the said Hercules Mortlake his heirs executors and administrators from all and all manner of action and actions causes of action suits controversies differences debts accounts reckonings sum and sums of money and all other claims and demands whatsoever both at law and in equity for or by reason or on account of the said annual sum of 500*l.* so received by him the said Hercules Mortlake as aforesaid or any part thereof or for or by reason or on account of the payment application or appropriation thereof or of any part thereof by him the said Hercules Mortlake or for or by reason or on account of any act deed matter or thing by him done committed or permitted in any wise relating to the premises."

In point of fact no such release is executed, nor does any one even suggest that it shall be executed; but the fact that it might, could, or should have been executed, and, that if it had been executed, it would have exonerated the Admiral from liability, forms a sufficient peg whereon the author may hang this imposing display of professional knowledge. In point of fact he has rather displayed professional ignorance. The release in the past tense is an archaism wholly disused in modern conveyancing; and further, no conveyancer with a just idea of the meaning of words ever makes a client profess to "remise and quit-claim" a person from an action. On the contrary, the action is remised and quit-claimed *unto* the person. The blunder would, under ordinary circumstances, be of very small importance, but it becomes inexcusable when, as in the present case, it is committed in the very act of a pretended exhibition of superior knowledge.

SCRIPTORES ATTICI.*

MR. WILKINS has attained a success in the compilation of school-books which he owes much more to his scholarship, which is sound and exact, than to his appreciation of the difficulties that schoolboys experience. He is a very good specimen

* *Scriptores Attici*. For the Use of Harrow and other Schools. By the Rev. Henry Musgrave Wilkins, M.A., Fellow of Merton College, Oxford. London: Longmans & Co. 1866.

of the style of scholar that Harrow produces; and his books are used at Harrow, not because he was educated there, but because they are adapted to the style of teaching which prevails at that school. And if the *Scriptores Græci* is to be regarded as typical of the Eton method, whilst the *Scriptores Attici* may be said fairly to represent the system pursued at Harrow, we do not think much can be said for Eton when the two schools are brought into comparison. After making all allowance for the tone of Mr. Johnson's evidence given before the Public Schools' Commission, and deducting as much as can fairly be considered due to the prejudice which a wholesale reformer entertains against what he considers established abuses—most scholars who are acquainted with the books will be able to endorse his opinion that "both the *Scriptores Romani* and the *Scriptores Græci* are very unsatisfactory." He states his belief that the latter work is an expansion of some selections from Lucian which were used in the last century, and that from time to time additions were made to it from Herodotus, Thucydides, and Plato. We are not concerned with the mode in which the work has been produced. The result is all we have to deal with, and undoubtedly the book is miserably executed in every point of view. Whether Mr. Wilkins's *Scriptores Attici* will be more successful at Eton than one of his previously published works which we believe it was once proposed to substitute for a book that was thoroughly Etonian but that it was thought below the dignity of Eton to sacrifice, we cannot attempt to determine. We may be permitted to remind the Eton authorities of the old saying, *Fas est et ab hoste doceri*. And if, in interpreting the proverb in its application to the present case, we should prefer to speak of honourable rivalry rather than active hostility, there is all the more cogency in the advice we offer to them—namely, that they should discontinue their own production, and substitute the book which we now proceed to notice and to criticize, in the hope that what we say may tend to the improvement of a second edition, which we suppose it will soon reach.

And in the first place we dislike the restriction implied in the title. A book of this kind, which may be regarded as occupying an intermediate place between a first Delectus and the reading of the Greek authors in an unabridged form, ought not to be confined to strictly Attic Greek, but should include passages from Herodotus. Neither do we see any reason for the exclusion of the Orators; nor, again, is it strictly correct to class Lucian with Attic writers. Highly as we approve of this writer being included in such a selection, his admission ought at least to have induced the compiler to change the title of his work from *Scriptores Attici* to *Scriptores Græci*; and, though the greater part of the volume ought to be derived from the purest Attic writers, it is of some importance to accustom boys to modes of writing and forms of construction which appear in the other dialects. The particular passages selected depend of course a great deal in this instance, as in all other selections, on the fancy or the caprice of the compiler. No one would be inclined to object to the excerpts from Thucydides—granting, that is, that Thucydides is not altogether too difficult to be allowed to appear in such a work. The siege of Plataeæ, the death of Pausanias, the character of Pericles, and the exile of Themistocles are both instructive and tolerably easy. The description of the plague, however, is neither easy nor interesting to a schoolboy, and has no business in such a selection. The extracts from Xenophon's *Hellenics* occupy a large portion of the book, and Mr. Wilkins seems to put out a kind of apology in their behalf on the score of their embracing a singularly interesting and critical epoch of Grecian history; but if we were ever so much disposed to allow the force of this suggestion, we are utterly unable to see why this particular portion of Xenophon's narrative, being "less tinged with Laconian partialities" than other parts of his writings, justifies the preference given to it by the compiler. Still we have no objection to allege to the passages selected, and a reviewer has certainly no right to complain if the taste of another does not altogether agree with his own. The extracts are unquestionably good specimens of Attic Greek, and are not open to an objection which applies with considerable force to the extracts from the *De Venatione*—namely, that they contain too many hard and uncommon words, and are besides sometimes somewhat involved in their construction. We open the volume at random in this part, and find in the course of two lines the words *ποδοστροφας, φιλακος, περιελθοντες, σιγαντας*. The disadvantage here is twofold. Too much hard work is imposed upon the boy, and the work itself is unprofitable, for these words, if indeed he remembers them at all, will scarcely occur in his subsequent reading, so that such passages seem to involve a good deal of loss of time and labour.

However, the test of a school-book consists more in the style of its notes than in the nature of the passages selected. And we will take as a fair specimen of Mr. Wilkins's style the fourteenth section, which is the last extract from this treatise. The text occupies little more than a page, and the notes take up scarcely so much space, yet there are as many as three misprints in this short passage. We have taken the trouble to examine several parts of the book for the especial purpose of detecting mistakes, especially of accents. And we are obliged to report that it is, as regards this point, no better than most other books used in English schools and colleges. In this respect the printing of Greek bears no comparison with the accuracy with which Greek books were produced, in this country or on the Continent, a century ago. It will probably be urged, in defence of the book, that the accents are not likely to mislead a schoolboy; but they

are nevertheless evidences of want of care in superintending the execution of the volume, and in some cases they are of real importance—as, for instance, at p. 18, when we meet with *oi* for *oi* in a passage where no beginner would be able for himself to remedy the mistake. And it seems to us a poor defence for omitting the accent upon *χρῆσις*, and exhibiting so ugly a word as *ιστην*, both of them occurring in pp. 32 and 33, that a school-boy is not likely to notice them. Again, Mr. Wilkins has retained some modes which are old-fashioned and obsolete. It has long ceased to be customary to print the double *pp* with the two breathings over it, and still less can we acquiesce in *ἐκείνους*, which is retained in spite of Porson's prohibition. We suspect, from our examination of the book, that there is scarcely a leaf without some such mistake.

The specimen passage we have selected is headed, "How to Manage a Spirited Horse." The subject, no doubt, is to boys an attractive one, and that is the only set-off we can imagine against the extraordinary difficulty of this and other passages from the same treatise. A page of notes to a page of text will probably be thought a fair allowance, but the notes in this instance are not numerous enough to enable an average boy to master the difficulties of the passage. When the note contains an explanation it is always valuable, and Mr. Wilkins's renderings show that he is at home both in Greek and English, and has that rare gift among scholars of being able to find the very best representatives in one language for the idioms of the other. But fully half of Mr. Wilkins's notes on this extract are superfluous, one-third of their number being taken up with allusions to various readings, which are quite out of place; e.g., explaining what the passage would have meant if a different reading had been adopted, as suggested by Schneider or Weiske, whilst four lines are wasted in explaining, by a quotation from Berenger's *Art of Horsemanship*, the very obvious enforcement of Xenophon's advice, that a curb, if used instead of a snaffle, must be kept slack.

The book concludes with two short indices—(1) an English, (2) a Greek index, to the grammatical notes. The latter serves to show how much labour the editor has bestowed upon the explanation of the Greek particles. Of these the particle *ὅτι* occupies much the largest space, about one-fourth of the whole index; and Mr. Wilkins has assigned or suggested ten or twelve different English renderings for it. Now we are not inclined to quarrel with him for his versions, which are tolerably accurate, and which may perhaps even be said to be the best possible renderings; but he has nowhere pointed out the principle upon which they depend. There is hardly a particle in Greek which admits of being rendered in so many different ways, yet most of them are either remotely or immediately referable to the same explanation—namely, the anticipating what is, or what ought to be, or what might have been, in the mind of the reader. Besides this, he has forgotten to notice, both in his notes and in his index, some cases which are more puzzling than those which he has commented upon. Thus he has explained Cyrus's kissing his grandfather Astyages, *ἀπὸ τοῦ πατρὸς ἐκδιδόστροφος*, as meaning "just as an affectionate child"; and in the same sentence, *ὅπου δὲ αὐτὸν*, "as soon as he saw"; and *ἀπὸ τοῦ*, "which in fact"; and a second instance of *ὅπου δὲ*, "seeing, then," or "seeing, as I said." We demur to the second of these interpretations. For "in fact," we should have translated "you know." The colloquial expression "you know," or "you see," frequently gives the best English representation of this Greek particle. But Mr. Wilkins has scarcely given a hint of this in his notes.

Almost all the references in both the indices are to explanations of Greek particles. And we are glad to see this important but much neglected portion of Greek grammar brought into such prominence by a scholar who is quite at home in the subject. We are no advocates for an abundance of notes for school-books, or indeed for any other class of works. It is very easy to bother boys with too many explanations, which, in many cases, are better left to the discretion of the teacher or the sagacity of the learner. And Mr. Wilkins may perhaps, in some instances, be thought to have erred in this direction when we say that, if the notes had been printed below the text—a method which, in our judgment, is greatly preferable to the separate arrangement of them at the end of the volume—they would upon an average have occupied more than a third of each page.

We cannot part from Mr. Wilkins without a final suggestion. We should be glad if, when he prints a second edition, he would enlarge the number of extracts from Lucian, even though it should involve, as we think it ought, a change of title from *Scriptores Attici* to *Scriptores Græci*. Lucian is so interesting, so humorous, and withal so easy a writer, that in any set of selections from Greek authors he ought to occupy a very prominent place.

A STORY OF DOOM.*

MISS INGELOW'S poems have achieved a merited and rather remarkable popularity within a very few years. The fly-leaf of the *Story of Doom* reminds us that her earlier volume has reached its thirteenth edition in ordinary type, and is moreover purchasable in a guinea or two-guinea form, with ninety-seven illustrations by various popular artists. We are unreservedly glad of the fairly-earned success of a poetess whose capacities for eminence we long ago recognised. At the same time we

could wish that a rather longer interval had been allowed to elapse before the publication of the set of poems now before us, the longest and most important of which is the *Story of Doom*. It is to be regretted when even well-deserved appreciation by the public induces an author to follow too strictly the maxim *Nulla dies sine lineâ*, and specially so in the case of writers in verse. We hope Miss Ingelow has time enough before her to ensure her giving us the benefit of the whole originality of her mind in the most well-considered, and therefore the most enduring, form. We can hardly admit that she has altogether realized this ideal in the present volume; and we cannot escape the consciousness that a story which calls itself "of Doom," and which in fact is the tragic or epic story of Noah's Deluge, ought to be handled with a more powerful grasp, if it is to be handled in poetry at all.

We by no means intend to say that Miss Ingelow's picture of the state of the world before the Flood is not a very good one as far as it goes; but it does not go very deep, though perhaps it was hardly to be expected that it should have gone any deeper. There is an old story of a sermon once preached by a Welsh parson, which dilated on the various temptations that Noah had to bear at the hands of his neighbours while he was working on the Ark, somewhat after this fashion. The wicked heathens of the Welsh preacher came to Noah and said, "Noah, there is capital good ale at the Red Lion, won't you come and have some?" but Noah went on hammering at his Ark, clump—clump—clump. And the wicked heathens came again to Noah and said, "Noah, the hounds are running capital on the hill behind the house, won't you come and see them?" but Noah went on hammering at his Ark, clump—clump—clump. And when the Flood came, where was Noah? Safe in the Ark, which he had built, clump—clump—clump! And where were the wicked heathens? Howling and screeching in the waters! In Miss Ingelow's poem, as in the Welshman's sermon, we are more or less obliged to take upon trust the exemplary wickedness of the heathen of Noah's day, except in points analogous to a love of the hounds or of capital good ale. There is some subtlety in Miss Ingelow's imagination of the old serpent as an extremely pious and formal character, much given to persuading the heathen giants to gorgeous acts of ritual and sacrifice. Japhet's love affair and betrothal to one of the slave-girls of his mother's household are very prettily and gracefully told (if only Japhet had not been Japhet, but some other personage of fiction), and Japhet is of course altogether a comfort to his father, which Shem and Ham, equally of course, are not. There is great picturesqueness of description scattered through the poem, and there is considerably greater individuality of character among the personages of Noah's household than is wont to be found among the painted wooden images which represent them to our youthful imaginations in the Noah's arks of nursery life. But the fact remains that the *Story of Doom* is neither Biblical nor grand. We do not say that such a story need justify itself by being Biblical, but we do say that it does not justify itself unless it is grand. The Flood is not a subject upon which good taste can be satisfied with a merely pretty idyl.

Miss Ingelow's power of turning legitimate subjects into graceful idyls was well shown in her earlier volume, and the new volume is not devoid of the same kind of excellence. "Laurance" is a good simple idyl of true and false love; "Gladys and her Island" a reasonably successful allegorical one. Gladys is the normal figure of a humble pupil-teacher in a school at some imaginary watering-place, far cleverer than the commonplace young ladies whom she teaches. One day, when the young ladies of the establishment are treated to a picnic, Gladys is thoughtfully sent by her amiable employers on a solitary walk, lest she should become enamoured of pleasures above her proper station. When she has strolled some way beyond the ordinary limit of the decorous young ladies' walk along the shore, Gladys suddenly sees a wonderful island gleaming on the sea-line. A mysterious woman with a baby comes by, who develops the faculty of answering Gladys's unuttered thoughts, and along with her comes a boisterous girl or "freakish maid." Under the charge of these two experienced mariners, Gladys sails off in a convenient ferry-boat to the island. She sees there a number of quaint and pretty things which Miss Ingelow's readers may see with her, and returns home at nightfall in time to see the carriages of the picnic party drive up, and to fall into her ordinary duties without being found out as the Robinson Crusoe of a fairy isle. A note tells us that the woman is "Imagination, brooding over what she brought forth. The two purple peaks of the island represent the domains of Poetry and of History. The girl" (the freakish thing) "is Fancy." The island scenes are drawn with very remarkable grace and clearness of language. But we feel bound to give Miss Ingelow a friendly caution not to deliver herself over too unreservedly to the vagaries of the freakish thing, or she may end by mistaking her for the brooding mother. Again, we do not think that Miss Ingelow improves her fable by a desultory moral which winds up after this fashion:—

— and with a word to the nobler sex
As thus—we pray you carry not your guns
On the half-cock.

Why not? If the fairer sex takes vigorously to shooting, we are inclined to pray fervently that their guns may be carried on the half-cock, at any rate as long as they are not walking up to a point. Otherwise the newspapers will be full of tragic accidents till the host of fair shooters have learnt their lesson better than Miss Ingelow. If technical terms must be used in verse, they should be used accurately.

* *A Story of Doom, and other Poems.* By Jean Ingelow. London: Longmans & Co. 1867.

The poetical metaphor of "word-painting" has followed many metaphors into the regions of the tritest prose; and it may very well stay there. Miss Ingelow brings it back into lyrical verse under the form of "my paintings labial"—perhaps the very vilest phrase it has ever been our lot to meet in an assortment of genuine poetry. The certainty that Miss Ingelow can mould the clearest and simplest language as she pleases enhances our regret that she should fall, even in a few instances, into slipshod affectation. Here is an example of what she can do in the way of graceful lyric, when she tries; though even here a phrase or two is not fairly above criticism:—

The racing river leapt, and sang
Full blithely in the perfect weather,
All round the mountain echoes rang,
For blue and green were glad together.
This rained out light from every part,
And that with songs of joy was thrilling;
But in the hollow of my heart
There ached a place that wanted filling.
Before the road and river meet,
And stepping-stones are wet and glisten,
I heard a sound of laughter sweet,
And paused to like it, and to listen.
I heard the chanting waters flow,
The cushat's note, the bee's low humming;
Then turned the hedge, and did not know—
How could I?—that my time was coming.
A girl upon the highest stone,
Half doubtful of the deed, was standing,
So far the shallow flood had flown
Beyond the accustomed leap of landing.
She knew not any need of me,
Yet me she waited all unweaving;
We thought not I had crossed the sea,
And half the sphere to give her meetings.
I waded out, her eyes I met,
I wished the moments had been hours:
I took her in my arms, and set
Her dainty feet among the flowers.
Her fellow-maids in copse and lane,
Ah! still, methinks, I hear them calling:
The wind's soft whisper in the plain,
The cushat's coo, the water's falling.
But now it is a year ago,
But now possession crowns endeavour:
I took her in my heart, to grow
And fill the hollow place for ever.

The best and most complete poem in the volume is the last—a ballad on the building of the first Eddystone Lighthouse by Winstanley, a mercer of London, who perished with his own edifice in a violent storm in the winter of 1703. We must leave Miss Ingelow to settle with historical authorities whether Winstanley built the tower on his own account, or for the Trinity House. Apart from this question of literal truth, the ballad is well-conceived and thoroughly well worked out; not the less so because Miss Ingelow wrote it (as her note tells us) with a fixed purpose of attaining such simplicity and plainness of narrative as might captivate the minds and memories of an ordinary set of schoolchildren. It is too long for quoting entire, but a few stanzas will indicate the spirit which runs through the whole. Two of Winstanley's homeward-bound ships have been lost on the rock, when he resolves to devote his life to conquering the public danger. On reaching Plymouth, he is of course dissuaded by the local visecrues from wasting his labour and money on an impossibility. The Mayor of Plymouth advises him, with plausible reasons, to leave it alone for an easier and more useful task:—

O beacons sighted in the dark,
They are right welcome things,
And pitchpots flaming on the shore
Show fair as angel wings.
Hast gold in hand? then light the land,
It 'longs to thee and me;
But let alone the deadly rock
In God Almighty's sea.

However, Winstanley perseveres, and in spite of all adverse prophecy the tower is completed and the lantern lighted:—

Winstanley set his foot ashore:
Said he, "My work is done:
I hold it strong to last as long
As aught beneath the sun.
"But if it fail, as fail it may,
Borne down with ruin and rout,
Another than I shall rear it high,
And brace the girders stout.
"A better than I shall rear it high,
For now the way is plain;
And tho' I were dead," Winstanley said,
The light would shine again.
"Yet were I fain still to remain,
Watch in my tower to keep,
And tend my light in the stormiest night
That ever did move the deep:
"And if it stood, why then 'twere good,
Amid their tremulous stir,
To count each stroke when the mad waves broke,
For cheers of mariners.
"But if it fell, then this were well,
That I should with it fall:
Since, for my part, I have built my heart
In the courses of its wall."

If such was Winstanley's wish, he had it. And if it occurred to him further to wish that his story might sometime be told in good clear honest English verse, he need hardly have wished for a better chronicler than Miss Ingelow.

DUDLEY CASTLE AND PRIORY.*

MR. TWAMLEY is a local antiquary of the better sort. There is nothing noisy or pretentious about him; there are no special displays of ignorance; there is little or no fine writing; a tendency to needless quotations from Byron and other poets seemingly takes its place, and is decidedly the more harmless weakness of the two. Mr. Twamley indeed shows signs that he is merely a local antiquary, and that he would break down if he ventured very far from Dudley; but, unlike many of his brethren, he has the good sense to keep himself almost wholly within his own beat. He has wisely kept clear of any of those general dissertations with which so many of his order swell the size of their volumes without at all adding to the amount of information which they contain. By sticking manfully to his own subject, he has made his book very small, and this is not the least of its merits.

As usual in books of this kind, the first two or three pages are the worst. It is very rare indeed to find a purely local antiquary who really understands early history. Mr. Twamley's speculations on the name and origin of Dudley and its castle are not good for much. We do not want to be told about "the Celtic word 'dodd,' a rush or flag." The old derivation is the right one—Dudley can be nothing but *Doddanleah*, the lea of *Dodda*. *Dodford*, *Doddington*, *Dudstone*, are all kindred names. Who *Dodda* was and when he lived is another matter. Mr. Twamley tells us:—

The earliest is mentioned by Camden, who gives no authority, that *Dodda* or *Dodo*, a Mercian duke, erected a castle here about the year 700. The other tradition, equally unsupported by evidence, makes the original foundation of the Castle about 350 years later. It states that the place was named after a noble Saxon, whose name is variously spelt "*Dud*, *Dude*, *Dudde*, and *Dodo*," earl of Coventry, Somerie, and Arden, who married *Effrie*, daughter of Edmund Ironside, king of England, by whom he had a son, *Athelstan*; who built the Castle of Dudley. The *Habington MSS.* quoted by Dr. Nash says:—"Dodo, the famous Saxon, raised a strong fortification here, which remained till the Conquest;"—still no authority is given, nor any date.

No sceptic can reasonably question the historical character of *Huppim* and *Muppim*, when he finds that every *Odda* had his *Dodda* and every *Dodda* his *Odda*. Camden's *Doddo* or *Dodo* we take to be the same as the *Dodda* who, in company with his *Odda*, is said to have been one of the first founders of *Tewkesbury Abbey*. The later "*noble Saxon*" we take to be a certain *Dodda* who, very often in company with *Earl Odda*, the rebuilder of *Deerhurst*, signs many charters of *Eadward the Confessor*. But that he married a daughter of *Eadmund Ironside*, or that *Eadmund Ironside* ever had a daughter for anybody to marry, are points about which the historian may be allowed to doubt. We may in passing venture on a desperate guess that the strange name "*Effrie*" is some wild corruption of *Ælfthryth*, though we can go no further. Yet there can be no doubt that *Dudley* is called after some eponymous hero *Dodda*, but after a hero very possibly of still earlier date than that given by Camden.

Mr. Twamley, however, if not successful in his etymology, has got wrong mainly through clearly seeing his way to another point. Early writers fancied that the *Dodda*, earlier or later, from whom the town took its name, must have been the founder of the castle. Mr. Twamley argues with some force that, if *Dudley* had been a fortified post in early times, we should have heard something of it among the works of the renowned *Æthelflæd*, Lady of the Mercians, whom Mr. Twamley, with a pardonable Mercian patriotism, exalts into a Queen. The fortresses raised by *Æthelflæd* and her brother were always citadels for the protection of towns. The castle, in the strict sense of the word, the private fortress, was the innovation of the *Confessor's* Norman favourites. *Dudley*, at the time of the Survey, was part of the possessions of one *William Fitz-Ansculf*, and *Domesday* significantly adds, "*ibi est castellum ejus*." The castle was doubtless new when the entry was made, and the town of *Dudley* doubtless owes its origin to the castle, not the castle to the town. In King *Eadward's* reign *Dudley* had belonged to *Earl Eadwine*. "This, no doubt," adds Mr. Twamley, "was the celebrated *Earl of Mercia*." "He was allowed to retain his estates and dignities after the battle of *Hastings*." It would have been hard if he had not, as he was not there. Traitor first to *Harold* and then to *Eadgar*, he earned for awhile the favour of the Conqueror, but lost all when he turned traitor to him also. There is nothing to show that *Dudley* was a place of any moment before the building of *William Fitz-Ansculf's* castle; it is not spoken of, as far as we remember, in any chronicle or charter. But from that time it became the seat of a great family; a town grew round the castle, and that town has in later times become one of the busiest seats of mineral traffic, the smoke and dirt of the *Black Country* strangely gathering round the wooded hill still crowned by the castle ruins, and spoiling what in earlier times must have been a splendid landscape.

It appears probable that the present owner of the castle can

* *History of Dudley Castle and Priory, including a Genealogical Account of the Families of Sutton and Ward.* By Charles Twamley. London: J. R. Smith. 1867.

trace, through several female descents, to the original grantees of the Conqueror. There seems no doubt that the pedigree can be made out up to the next set of possessors, the family of Paganel, who were there in the twelfth century. It is a probable conjecture that Fulk Paganel came into possession by marriage with a daughter of William Fitz-Ansculf; it is certain that Dudley passed by an heiress from the Paganel to the Someries, by another heiress from the Someries to the Suttons, otherwise Dudleys, and by a third heiress from the Dudleys to the Wards. As if to carry on this sort of destiny further still, the old Dudley peerage, which must not be confounded with several Dudley peerages created in the last and present centuries, has been, for several generations, in abeyance between the descendants of coheiresses. The present owner of the castle holds only the Ward peerage of the seventeenth century and the higher titles which have been lately created in his own person.

The most interesting part of the Dudley history comes in the sixteenth century. During that century the Dudley surname was borne in succession by three generations of men notorious rather than illustrious. The names of Edmund Dudley, of John, Duke of Northumberland, of Robert, Earl of Leicester, to say nothing of Guilford, victim rather than criminal, are familiar to every one. The Dudleys of this family always strove to establish for themselves a connexion with the Suttons or Dudleys of Dudley Castle. But this claim Mr. Twamley stoutly denies. He strives manfully on behalf of another story, according to which Edmund Dudley was the son of a carpenter, who bore the name of Dudley only because he was a native of Dudley town. However, John Dudley, afterwards Duke, became Dudley of Dudley in a very practical way, becoming owner of the castle, out of which he is said to have "justled" the other John Dudley, Lord Dudley, nicknamed Lord Quondam, not over honestly. This Lord Dudley left three sons, Edward, Henry, and George. George plotted against Henry the Eighth and went through a series of strange adventures in Italy. Henry plotted against Mary—one may say against England, as he "tampered with the soldiers at Guisnes and Ham." Their elder brother Edward, Lord Dudley, was more prudent. Like so many other prudent men of that age, he adapted himself to all changes in time, and was lucky enough to get a grant from Queen Mary of Dudley Castle and the other estates which his father had lost, and which had of course become vested in the Crown by the attainder of Northumberland. Nevertheless he is said to have abandoned Ham, of which he was Governor, "without regard to the honour of arms." It does not seem, however, that much could be gained by defending Ham after Calais and Guisnes were taken. He was as much in favour with Elizabeth as he had been with Mary; the Queen visited him at Dudley in the course of the progress in which she paid her more famous visit to his possible kinsman at Kenilworth, and his castle was at one time thought of as a place of safekeeping for the captive Queen of Scots.

In the will of this Lord Dudley we find that he already was the owner of ironworks. But ironworks had hitherto depended on wood for fuel. His son Edward Lord Dudley had a natural son, Dud Dudley, who became famous as the inventor of the way of working iron with pit-coal which has proved such a source of wealth for Dudley and all that part of the world. For this invention his father got a patent from James the First. For this Lord held the title for an unusual length of time, succeeding in 1586 and dying in 1643. He was a disreputable person in several ways, making raid on the property of his neighbour Mr. Lyttelton, abusing the penal laws against recusants in order to cheat a widow out of a lease granted to her by his father, and nevertheless gradually wasting his estates. His legitimate son, Sir Ferdinando Sutton or Dudley, died before him, leaving a daughter Frances, who married Humble Ward, son of William Ward, jeweller to Queen Henrietta Maria. Humble was created Lord Ward, and his son Edward inherited the old Dudley barony from his mother and the new Ward barony from his father. In the third generation the Dudley title was carried by an heiress into the family of Lea—why did not the castle go with it?—and in the next generation fell into abeyance, while the Ward title continued in the male line.

We think Mr. Twamley might very well have enlarged a little more on the unlucky Dud Dudley, who was certainly a more remarkable person than any of his legitimate kinsfolk about that time. He seems to have been the founder of an important branch of national industry, and in his other character of distressed Royalist something will be found about him in the Calendars of State Papers published by Mrs. Green. His singular name of Dud may have been meant as a falling back on the ancient Dodda. Anyhow it is not more amazing than Humble, the prevalent name of the Ward family. Is Humble a corruption of something quite different, Humbert or the like? Or was Humble Ward a bird of the same feather as Sir Faithful Fortescue? The occurrence of a female name Humbletta complicates the matter still further.

The history of the Cluniac Priory of Dudley is not very interesting. Founded by a Paganel in the twelfth century, it lived as it were under the shadow of the castle till, at the dissolution, it was granted to the insatiable Duke of Northumberland. Mr. Twamley tells us that little of the monastic buildings can now be made out, the late Lord Dudley having introduced the enemy ivy of set purpose. This peer, the correspondent of Bishop Copleston, was a remarkable and well-known man in his time—the time which of all others the present generation knows least about, that shortly before and shortly after their own births. With this exception, the interest of the various branches of the houses of Paganel,

Somery, and the rest of them seems to die out with the bastard Dud. The castle stood a siege in the Parliamentary wars, but the owner does not appear to have had any share in its defence. And since that time, Mr. Twamley finds little to tell us of any of its possessors, save only how John Ward, afterwards Lord Ward, and finally created Viscount Dudley and Ward, went about to oppress a Dissenting minister in his neighbourhood, and how he was thwarted by an appeal to the Quarter Sessions. The times were at least mended since Edward Lord Dudley stole and ate Mr. Lyttelton's sheep and oxen, and when the matter was compromised after three years by the payment of a thousand marks.

ROBERTSON'S COUNCILS OF THE SCOTTISH CHURCH.*

PERHAPS no other people have made so much noise about their religion as the Scotch. The ecclesiastical history of their country is beyond all due proportion to its civil history. Where there has been so much fierce controversy between opposite contemporary parties, and so much zealous investigation and discussion by those who have inherited the traditions of past contests, it might be expected that every item of intelligence that could serve in the long warfare had been raked up and put to use. Yet here is a vast treasury of knowledge, great part of it as fresh and new as if it were on some scientific discovery of the present day. Indeed the book in itself partakes much of the nature of scientific discovery if we count archaeology as science. It begins with the earliest scraps of intelligence concerning the origin of Christianity in Scotland, and then carries us in a full stream of record down to the Reformation.

The matters thus dealt with are of the highest interest and picturesqueness. We have in the beginning the faint dubious light thrown on St. Ninian as the type of such Christianity as the Normans brought with them. The old story, that St. Patrick was the son of a respectable quæstor of the Roman Empire who reared his family in modest respectability in the neighbourhood of Dumbarton, still holds its own through a controversy yet raging. It would seem, indeed, that the tradition of St. Patrick having been a Scotsman holds so firmly to his history that it will never be severed from it until he is himself struck out of the list of authenticated eminencies—a solution of all the difficulties about him not unlikely to occur. Though this first chapter of Scots ecclesiastical history may be dubious, the next, the mission of St. Columba, is clear—wonderfully clear when we think of the darkness that afterwards for centuries shrouded the Church founded by him. Columba was an Irishman of royal lineage and great political influence. He had meddled indiscreetly in politics, and had got into one difficulty after another, till, driven to extremities, he resolved on heading that wonderful mission to Scotland. The Church in Ireland and the Highlands of which he was an illustrious leader had peculiarities which those trained within churches and denominations of the present day find it difficult to understand. It was not hierarchical, for we find in it bishops occupying a small place, and very respectful and subservient to the heads of religious fraternities. But in these fraternities it showed itself to be the most aristocratic Church ever seen in Christendom. The heads of the fraternities were generally men of royal race, and the humblest of the brethren had distinguished pedigrees. There were many anomalies, many things strange to modern eyes and irreconcilable to modern ecclesiastical notions, in these communities. One may stand as a type of the broad characteristics of all. Connected with the male fraternities were certain groups—they could not well be called sisterhoods—of women. These were not nuns, bound by the vow of chastity. On the contrary, they were all young and beautiful, and were selected not only for their natural charms, but for their power of seductiveness, and their freedom from all virtuous scruples. The use they were put to was to test the purity of the saints—to try, by the sound Baconian method of experiment, whether those who aspired to hagiological honours really possessed the superhuman asceticism of which they boasted. Such an institution was likely to leave memorials which in the present day would be found more picturesque than edifying.

The Columbite Church disappears into long ages of gloom, lighted only by the fires of the plundering and slaughtering Norsemen. In the eleventh and twelfth centuries Europe was infested by Scots priests who had strange ways of their own, alien to Catholic unity, and would not be ruled. Among other peculiarities, they had bishops without dioceses, and a Scots bishop of those days was about as questionable a person as a United States "general" or "judge" of later times. Both the credit and the discredit of these priests has fallen on Scotland. Perhaps a few of them were Celtic natives of the Highlands, but the great bulk of the Scots priests of those middle ages were Irishmen. Yet so curiously did names shift that in time the Saxon natives of Scotland dispossessed the Irish Scots of the religious establishments founded by them on the Continent. It stands on the records of the Scots convent of St. James, at Ratishon, how the Irish impostors were driven out, and the house restored to the Scots, by whom it had been founded. The actual clergy of Scotland were at that time called Culdees. This term has naturally enough been associated with St. Columba, but centuries lie between the two. Whoever reads to profit the matter carefully collected and arranged by Dr. Robertson will find that there was

* *Concilia Scotia. Ecclesiæ Soticæ Statuta, tam Provincialis quam Synodalis, quæ supersunt MCCXXV.—MDLIX.* Edited for the Bannatyne Club by Joseph Robertson, LL.D. 2 vols. 4to. 1866.

little of a special kind about the Culdees except their degeneracy. They were very bad Catholics or Romanists, but this did not make them the good Protestants which some hold them to have been.

When St. Margaret united the old Saxon line to the royal house of Scotland, there was a great religious revival. Her sons recast the degenerate religious organization in Scotland on the model of their own Saxon Church. To do this satisfactorily, English bishops had to communicate the true apostolical descent to the reconstructed hierarchy. Naturally this suggested claims of supremacy, and thus, while the Norman kings claimed feudal superiority, the Saxon bishops claimed spiritual supremacy over the land. How both were shaken off is well known in history. When it got itself well settled, and disembarassed of its enemies, the Church of Scotland became by degrees so corrupt as to be a byword. The ecclesiastical establishments were absorbing all the wealth and all the political power of the country, and every man who desired to add acre unto acre, and to rule, and to enjoy luxury and sensuality, became a churchman. The end of all this came suddenly, and chiefly from political considerations connected with French aggrandizement. This is the outline filled up to the utmost minuteness of which it is now capable by the matter in these two volumes. We are too much accustomed to look at the Reformation from the outside—to mark the actions of the assailants and the progress of the siege, without noting what the garrison inside are about. To show us what the Church was doing for itself—how it pronounced for steps of self-reformation ever too late—is among the most valuable of the new materials which see the light in this book. It is, in a very thorough sense, a work of genius. People are not accustomed to use that term towards literature unless it aims at and achieves the popular. But we give it to scientific achievements; we concede it to a Cuvier when he articulates a megatherium out of shapeless fossil masses; why then deny it to the instinct which can bring symmetry and order out of masses of old parchments which to ordinary eyes are mere chaos? But, although it is profound, Dr. Robertson's style does not lack ornament. It has a quaint polish, pleasantly recalling a literary age that has passed away. Many men like to read sketches of the incidents and the persons connected with any memorable Parliamentary debate, and we may well enjoy the picture, after the fashion of a Dutch interior, of the last effective Council of the old Church in Scotland, in the Blackfriars church in Edinburgh, whereat

There were present six Bishops; two vicars-general of vacant sees; fourteen abbots, priors, or commendators; one superior; seven doctors of divinity, two of whom, by reason of their age and infirmity, were allowed to appear by their proxies; three licentiates, one bachelor, one student of theology; three Dominicans, four Franciscans, friars; seventeen secular priests, among whom one was a dean, two were archdeacons, one was a sub-dean, four were canons of cathedral churches, eight were provosts or deans of collegiate churches, one was rector of a parish church—in all sixty persons were enumerated. Conspicuous among them stands the Commendator of the Priory of St. Andrews, a stripling of eighteen, little thinking then that, before many years are over, he will be the leader of the Reformation which the Council meets to oppose—will one day govern Scotland as Regent. The few other men of any account are the excellent and accomplished Robert Reid, Bishop of Orkney, Commendator of Kinloss, the founder, as some have regarded him, of the University of Edinburgh; Quintin Kennedy, Abbot of Corsraguel, the zealous champion of the old faith against Knox and Willock; John Wynram, Sub-Prior of St. Andrews, afterwards one of the superintendents of the Reformed Church; John Mair, the preceptor of Knox and Buchanan, once famous as a schoolman, now only remembered by his History of Scotland.

After mass was sung in the church the members repaired to the hall or refectory of the monastery, where, having seated themselves in due order—the Scottish Provincial Council, like the Scottish Parliament, knowing no distinction of houses, sat in one chamber—a sermon was preached by a licentiate in divinity. The statutes passed at Linlithgow were then read over by the secretary and notary, and, being unanimously approved and ratified, were enacted anew, along with others, to the number in all of sixty-eight. They were prefaced by a remarkable confession that the root and cause of the troubles and heresies which afflicted the Church were the corruption, the profane lewdness, the gross ignorance of churchmen of almost all ranks. The clergy, therefore, were enjoined to put away their concubines, under pain of deprivation of their benefices; to dismiss from their houses the children born to them in concubinage; not to promote such children to benefices nor to enrich them—the daughters with dowries, the sons with baronies—from the patrimony of the Church.—Preface, pp. 147-9.

The literary history of this book is typical of Robertson's whole career. Those who are conversant with the inner history of the antiquarian community may find traces, twenty years old at least, of his efforts to awaken within it a sense of the value of the ecclesiastical records of Scotland. At last his perseverance was rewarded by the Bannatyne Club undertaking the expense of printing these documents. Another editor would have been content with the literal fulfilment of the arrangement by printing the bare documents, with perhaps a brief introduction; but in the shape of an elaborate preface and abundant notes, rich in the fruit of varied reading and deep research, Robertson has far more than doubled the value of the literary treasure placed in his hands.

It had been his fate all along to give what a wise public should have bought. It is a fate which happens much oftener than busy public men are conscious of. A man's genius has a particular bent in which he can do rich service to the public while he satisfies the cravings of his own inclination. The public take the service because they can get it. In Robertson's case the literary treasures of the famous Register House of Scotland were literally taken charge of by a man who was paid the wages of a junior clerk. How could it be helped? The head of the establishment, the Lord Clerk Register, was also Governor-General of India, and was occupied in heavy work ten thousand miles away. It was a testimony to

the injustice of Robertson's position that, when a real working head came to the establishment, his salary was at once doubled. All who know what it is to transact business at the Treasury will be aware that a strong case must be made out to accomplish a feat of this kind. Alas! justice came too late. The overworked frame was exhausted, and the future that was to be relieved of many cares and toils had to be resigned. How shall a nation pay the debt which it has incurred by such neglect?

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THE IRISH CHURCH ESTABLISHMENT.

At a MEETING of the EXECUTIVE COMMITTEE of the SOCIETY for the LIBERATION of RELIGION from STATE-PATRONAGE and CONTROL, held July 5th, 1867, it was

RESOLVED—

I. That the debate in the House of Lords on the 24th of June, on Earl Russell's motion for a Commission of Inquiry into the nature and amount of the property and revenues of the Established Church in Ireland, and the assent of Her Majesty's Government to the appointment of such a Commission, with other circumstances of recent occurrence, indicate the near approach of the period when Parliament will feel itself compelled to deal with the grievance inflicted on Ireland by the maintenance of a Protestant Establishment in the midst of a Roman Catholic population.

II. That the opinions expressed in such debate, as well as on other occasions, by influential statesmen further indicate a wish on their part to attempt to mitigate that grievance by modifying the internal arrangements of the Establishment, and, more especially, by appropriating a portion of its property to the endowment of the Roman Catholic clergy and of other religious bodies in Ireland.

III. That, in the judgment of this Committee, the policy involving this and kindred projects is uncalled for, inadequate, and mischievous:—

1. *Uncalled for*—because it has been declared by leading prelates and laymen of the Roman Catholic Church that its clergy desire no such endowment.

2. *Inadequate*—because, while unadapted to the wants and feelings of the Irish people, it would fail to destroy the root of the existing evil, viz. the political predominance of the Church of a small minority of the population.

3. *Mischievous*—because it would create a precedent for appropriating public property to ecclesiastical uses without subjecting the expenditure to the control of the State; because it would have a tendency to intensify existing sectarian bitterness; and because it would involve such a national recognition of conflicting religious tenets as would be injurious to the morals, and to the religion, of the country.

IV. That the Committee regard the suggested policy with the greater repugnance because its adoption is urged, not so much in the interest of the people of Ireland as in that of the English Establishment, the existence of which, it is alleged, would be imperilled by the abolition of the Establishment in the sister country; and, further, because of the growth of a conviction in the public mind, that the evils arising from State-interference with religion require the abandonment, rather than the extension, of the existing system.

V. That, for these reasons, the Committee deem it to be of vital importance that there should be no delay in the adoption of measures which may so influence public opinion, and especially the action of the constituencies at the next General Election, as to ensure the defeat of any such design, and to hasten the adoption of the only effectual substitute—the disestablishment of the Church of England in Ireland; the impartial disendowment of all religious bodies in that country, and the application of the ecclesiastical property of the nation to national and unsectarian purposes.

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